

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
201 (PROCEEDINGS THROUGH V.C.)

CRM-M-31095-2020

Date of decision: 22.01.2021

MANOJ

...PETITIONER

V/S

STATE OF HARYANA

..RESPONDENT

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. S.S.Mor, Advocate,
for the petitioner.

Ms. Shubhra Singh, Addl. A.G. Haryana,
for the State.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Prayer in this petition is for grant of regular bail under Section 439 Cr. P.C. in case FIR No. 17 dated 24.02.2020 under Sections 120-B, 313, 323, 354-A, 342, 376 (2) (n), 406, 506 of IPC (subsequently deleted Section 120B and 354-A IPC), Police Station Women Jind, Distt\ Jind.

It is the contention of the learned counsel for the petitioner that there is an inordinate delay in registration of the present FIR rather the complaint also, which has been filed, is quite delayed. Assertion has been made that the allegations against the petitioner have been made without any basis and none of the allegations with regard to the rape having been committed and further about the abortions, which have been carried out and that too in Sharma Private Hospital, Naraingarh, District Ambala forcibly, have not been established as it is apparent that the records of the said hospital are not available which could substantiate the said allegations. Reference has also been made to the statement, which has been given by the prosecutrix which stands recorded under Section 164 Cr. P.C. before the

Judicial Magistrate, Ist Class, Jind, to contend that the petitioner has been falsely implicated in the present case. Reference has also been made with regard to the alleged taking away of the money or withdrawing the same by the petitioner by resorting to the plea that the details of the amount and the subsequent amounts when withdrawn have not been mentioned. Prayer has, thus, been made for the grant of regular bail especially in the light of the fact that the petitioner is in custody since 21.03.2020 i.e. more than 10 months and except for the presentation of the challan even the committal proceedings have not come to an end and the matter is still pending before the Ilaqa Magistrate.

On the other hand, learned counsel for the State has opposed the prayer made for the grant of regular bail to the petitioner by asserting that there are serious allegations, which have been made against the petitioner apart from the rape and forcible abortions multiple times i.e. with regard to the money being grabbed by the petitioner. That apart, she asserts that this alone cannot be a ground for disbelieving the complaint. The other aspect with regard to the period of custody could not be disputed by the State counsel.

Having considered the submissions made by the learned counsel for the parties and keeping in view the pleadings and the reply, which has been filed by the State especially with reference to the documents attached thereto, this Court is of the considered view that no opinion should be expressed by this Court at this stage with regard to the merits of the case especially when the committal proceedings are under progress suffice it to say that the petitioner is in custody since 21.03.2020 with 10 months having been passed and the committal proceedings having

not been concluded as yet, the continuation of the petitioner in custody would not serve any purpose. Therefore, the present petition is allowed. Petitioner is directed to be released on regular bail on furnishing bail bonds to the satisfaction of the Trial Court/Duty Magistrate/Chief Judicial Magistrate, Jind.

Any observations made herein above shall have no bearing on the merits of the case.

January 22, 2021
pj

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable : Yes/No