

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM No. M-31679 of 2020 (O&M)

Date of decision : January 21, 2021

Vishwash

....Petitioner

versus

State of Haryana

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

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

Mr. Tarun Walia, AAG, Haryana

Fateh Deep Singh, J. (Oral)

The matter has been taken up through Video-conferencing on account of outbreak of pandemic COVID-19.

Petitioner Vishwash a young boy aged around 22 years who happens to be son of sister of husband of the complainant Reshma, a married lady with kids aged around 33 years, is alleged to have during the night of 26.9.2018, after administering some intoxicant defiled her against her wishes in the same very house where both the sides are residing.

Learned counsel for the petitioner inter-alia contends that the petitioner is behind the bars since 2.10.2018 and that it is purely out of family feud over property, he has been falsely implicated, has sought to agitate over the absence of any substantial medical evidence to this effect.

Learned State counsel does not displace the facts but has opposed the bail on the grounds of the nature of the offence and likelihood of the petitioner keeping away from law.

Be so as it may. Admittedly, the complainant is a grown up lady closely related to the petitioner. Learned State counsel fairly concedes that there is no mark of physical injury on the person of the complainant or corroborative one and thus, a debatable issue arises over the factum of allegations of rape which can only be adjudicated at the time of trial. Keeping in view the period of incarceration undergone and having regard to the fact that due to pandemic COVID-19, there is every likelihood that the trial might be prolonged. Accordingly, the petitioner is ordered to be released on regular bail to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, concerned.

The present petition stands disposed off accordingly.

The observations made herein above shall have no

bearing on the merits of the case as these are purely for the disposal of the present bail application.

January 21, 2021
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(Fateh Deep Singh)
Judge

<i>Whether speaking/reasoned ?</i>	<i>Yes/No</i>
<i>Whether Reportable ?</i>	<i>Yes/No</i>