

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

Criminal Misc.-M No.34053 of 2020 (O&M)

Date of Decision: January 12, 2021

Sonu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Mukesh Yadav, Advocate,
for the petitioner.

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

MANOJ BAJAJ, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail, pending trial in case FIR No.51 dated 31.10.2019, under Sections 452, 376 IPC, 1860 and Section 3(2)(v) SC/ST Act, 1989 (Amended 2015), registered at Police Station, Jhojhu Kalan, District Charkhi Dadri. The petitioner is in custody since his arrest on 22.11.2019.

As per the allegations in the FIR, on 26.10.2019 at about 9.30/10.00 p.m., when complainant-Sohna was alone at home, Sonu son of Ved Parkash came, who was under influence of liquor, who caught hold of her forcibly and torn her clothes. She cried, but he did not hear her and committed rape upon her. After doing this bad act, he fled away from the spot. On these broad allegations, the above FIR was registered.

Learned counsel for the petitioner has argued that the alleged occurrence took place on 26.10.2019 and the FIR was lodged after delay on 31.10.2019. He submits that the prosecutrix had even tried to implicate the father of the petitioner, however, later she compromised. He has further invited the attention of the Court to the testimony of PW-3 (complainant) and contended that as the complainant has been examined, therefore, further custody of the petitioner may not be necessary. According to him, there was money dispute between the complainant and the petitioner, therefore, she has falsely implicated the petitioner. He prays that the petitioner be released on regular bail, during the pendency of the trial.

On the other hand, the prayer is opposed by the learned State counsel, assisted by ASI Ajit Singh, on the ground that the offence is serious, However, it is stated by him that out of total sixteen prosecution witnesses only, three have been examined, including the complainant.

After hearing the learned counsel for the parties, this Court finds that the material witnesses have been examined and the remaining witnesses are the police officials and, therefore, there is no possibility of their being won over. Though the charges were framed on 31.01.2020 and in a period of almost one year, only three witnesses have been examined so far, which indicates that the trial is progressing at slow pace and is likely to consume considerable time to conclude in the wake of outbreak of COVID-19 in the region.

Resultantly, without meaning any expression of opinion on the merits of the case, the petition is allowed and it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate,

Charkhi Dadri.

January 12, 2021
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No