

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

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CRM-M-35329-2020 (O&M)

Date of decision : 06.01.2021

Vishal

.....Petitioner

Vs.

State of Haryana and Another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Aditya Sanghi, Advocate for the petitioner.

Mr. Naveen Singh Panwar, DAG, Haryana.

Mr. Lokesh Sharma, Advocate
for the complainant/respondent No.2

ALKA SARIN, J. (ORAL)

Heard through video conferencing.

The present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.43 dated 06.05.2019 under Sections 376, 354, 450, 506 of the Indian Penal Code, 1860 registered at Women Police Station Narnaul, District Mahendergarh, Haryana.

Learned counsel for the petitioner has contended that the Prosecutrix (respondent No.2) had given an affidavit (Annexure P-5) stating therein that the FIR had been lodged on account of a misunderstanding naming the petitioner therein and that she would have no objection if the petitioner is enlarged on bail.

On the last date of hearing the State was directed to verify whether the Annexure P-5 had voluntarily been executed by the victim. Learned counsel for the State on instructions from SI Sharda Devi has stated that a statement of the Prosecutrix has since been recorded wherein

she has stated that the affidavit (Annexure P-5) dated 13.10.2020 has voluntarily been executed by her and that she would have no objection if bail is granted to the present petitioner.

I have heard learned counsel for the parties.

In the present case, the Prosecutrix is a 37 years old lady who had made allegations of rape against the petitioner. On 13.10.2020, an affidavit has been executed by the Prosecutrix stating therein that the FIR was a result of a misunderstanding due to family dispute. The present petitioner is the elder brother-in-law (*Jeth*) of the Prosecutrix and hence the FIR is stated to have been lodged on account of a misunderstanding which had arisen out of a family dispute.

In view of the above and considering the fact that the trial is likely to take some time to conclude especially in view of the prevailing conditions on account of COVID-19 Pandemic, no useful purpose would be served by keeping the petitioner behind the bars any further. Without commenting upon the merits of the case, I deem this to be a fit case for grant of regular bail to the petitioner. The petitioner is directed to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the Illaqa Magistrate/Duty Magistrate/Trial Court concerned.

However, the Prosecution will always be at liberty to apply for cancellation of bail in case the petitioner is found to be misusing the concession of bail in any manner.

It is also made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

Disposed off.

January 06, 2021
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(ALKA SARIN)
JUDGE

NOTE:

Whether speaking/non-speaking: Yes/No
Whether reportable: Yes/No