

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

Sr. No.226

CRM-M-39362-2020

Date of decision: 18.01.2021

Khalid

....Petitioner

versus

State of Haryana and another

....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Rakesh Lathwal, Advocate
for the petitioner.

Mr. Ashok Kumar Sehrawat, DAG, Haryana.

Mr. Mazlish Khan, Advocate
for respondent No.2.

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DEEPAK SIBAL, J. (Oral)

Case taken up through video conferencing.

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.05 dated 06.01.2020 registered under Sections 356, 452, 506, 376 IPC and Sections 4 and 17 of Protection of Children from Sexual Offences Act, 2012 at Police Station Nagina, District Nuh, Haryana.

The petitioner is being prosecuted by the State for having abducted the prosecutrix and facilitated her being raped by co-accused Akram.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case; the petitioner has been in custody since 29.06.2020; there is no other criminal case in which the petitioner is involved; even if the case of the prosecution is taken as gospel truth, though vehemently denied, there is no allegation of rape qua the petitioner; there is no medical evidence on record supporting the prosecution's case; the prosecutrix while appearing before the Trial Court as PW-1 stated that she was 19 years of age and had got lodged the FIR as also made her statement under Section 164 Cr.P.C. under some confusion and that no illegal act had been committed by the petitioner and that the trial is

likely to take a long time to conclude especially in the present circumstances when the world is facing the Covid-19 pandemic.

Learned State counsel opposes the grant of bail to the petitioner on the ground that he is alleged to have abducted the prosecutrix and facilitated rape upon her by co-accused Akram.

The prosecutrix has appeared before the Trial Court and stated that she is 19 years old; she has also absolved the petitioner of the crime he is accused of; the petitioner has been in custody since 29.06.2020; the prosecutrix has already appeared before the Trial Court, therefore the petitioner is not in a position to influence the trial; there is no other criminal case in which the petitioner is involved and that the petitioner's trial is likely to take a long time to conclude especially in the present circumstances when the world is facing the Covid-19 pandemic.

Keeping in view the totality of the above facts, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Nuh, the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

(DEEPAK SIBAL)
JUDGE

January 18, 2021

Jyoti 1

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No