

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

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(1)

CRM-M-39098-2020 (O&M)

Date of decision: 22.04.2021

Sachin

.....Petitioner

Versus

State of Haryana

.....Respondent

(2)

CRM-M-40650-2020 (O&M)

Date of decision: 22.04.2021

Deepak Kumar

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Ashit Malik, Advocate
for the petitioner in CRM-M-39098-2020.

Mr. Parveen Sharma, Advocate
for the petitioner in CRM-M-40650-2020.

Ms. Geeta Sharma, DAG, Haryana
for the respondent-State.

ARUN KUMAR TYAGI, J. (ORAL)

(The case has been taken up for hearing through video conferencing.)

CRM-28802-2020 in CRM-M-39098-2020

For the reasons mentioned in the application, the same is allowed and the petitioner is exempted from filing certified copies of statement of the prosecutrix recorded under Section 164 of the Code of Criminal Procedure, 1973 (for short, "the Cr.P.C.") and Annexures P-1 to P-13 and P-16, true typed/translated copies of which are taken on record.

CRM-11941-2021 in CRM-M-40650-2020

For the reasons mentioned in the application, the same is allowed and the petitioner is exempted from filing certified copies of

statements of PW-1, PW-2 and PW-3 copies of which are taken on record as Annexures P-20 to P-22 respectively.

Main Cases

Petitioner-Sachin has filed CRM-M-39098-2020 and petitioner-Deepak Kumar has filed CRM-M-40650-2020 under Section 439 of the Cr.P.C. for grant of regular bail in case FIR No.333 dated 18.07.2020 registered under Sections 365 and 506 of the Indian Penal Code, 1860 (for short, "the IPC") and Section 6 of the Protection of Children from Sexual Offences Act, 2012 at Police Station Sadar Sonapat, District Sonapat to which Sections 323, 363, 376-D and 366-A read with Section 34 of the IPC were added lateron.

The petitioners being in custody have filed the present petitions for grant of regular bail.

The petitions have been opposed by the learned State Counsel in terms of replies filed by way of affidavit of Vipin Kadian, HPS, Deputy Superintendent of Police, Sonipat.

I have heard learned Counsel for the petitioners and learned State Counsel and have gone through the relevant record.

Learned Counsel for the petitioners have submitted that the petitioners have been falsely implicated in the case. As per the prosecution version, petitioner-Deepak had forcibly taken away the victim girl child on his bike on 14.07.2020 and committed rape on her and thereafter petitioner-Sachin reached there and committed rape on the victim girl child. The victim girl child refused for her medico legal examination. In her statement under Section 161 of the Cr.P.C., the victim girl child did not make any allegation regarding her rape by the petitioners. In their statements before the trial Court, the victim girl child, her father and mother have not supported the case of the prosecution. Conclusion of the trial is likely to take long time due to restrictions imposed to prevent the spread of Covid-19. No useful purpose will be served by further detention of the petitioners in custody during trial. Therefore, the petitioners may be granted regular bail.

On the other hand, learned State Counsel has submitted that the petitioners are alleged to have kidnapped and raped the victim

girl child. In view of nature of accusation and gravity of the offences, the petitioners do not deserve grant of regular bail. Therefore, the petitions may be dismissed.

Keeping in view the facts and circumstances of the case, nature of accusation and evidence against the petitioners, statements of the victim girl child and her father and mother recorded during trial who did not support the case of the prosecution and the fact that the trial is likely to take long time due to restrictions imposed to prevent the spread of infection of Covid-19, but without commenting on the merits of the case, I am inclined to extend the concession of regular bail to the petitioners.

In view of the above, the petitions are allowed and the petitioners are ordered to be released on regular bail on furnishing of personal and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

22.04.2021

Vinay

(ARUN KUMAR TYAGI)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No