

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

107

**CRM-M-40667-2020
Date of decision: 25.03.2021**

SonuPetitioner

Versus

State of HaryanaRespondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Randeep S. Dhull, Advocate
for the petitioner.

Mr. Ranvir Singh Arya, Addl. A.G., Haryana
for the respondent-State.

ARUN KUMAR TYAGI, J (ORAL)

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

The petitioner has filed the present petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.350 dated 25.10.2020 registered under Section 346 of the Indian Penal Code, 1860 (for short 'the IPC') in Police Station Kherki Daula, Gurugram to which Sections 365, 506 and 376 of the IPC were added lateron.

The above-said FIR was registered on statement of Bharat alleging that he solemnized marriage with prosecutrix on 14.01.2016 as per Hindu rites and ceremonies. Two children were born out of the wedlock. On 23.10.2020 his wife left the house without informing anyone and he has suspicion that she had gone with his nephew-Sonu (the petitioner). On recovery statement of the prosecutrix was got recorded under Section 164 of the Cr.P.C. who implicated the petitioner

for her abduction, rape and criminal intimidation.

The petitioner being in custody has filed the present petition for grant of regular bail.

The petition has been opposed by the learned State Counsel in terms of reply filed by way of affidavit of Dr. Hitesh Yadav, HPS, Assistant Commissioner of Police, Manesar, Gurugram.

Vide order dated 27.01.2021 passed by this Court, the petition was ordered to be taken up after examination of the complainant in the case. In compliance therewith, learned Additional District and Sessions Judge, Gurugram has submitted report dated 22.02.2021 along with copy of statement of the prosecutrix in the Registry which is taken on record.

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

Learned Counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case. The prosecutrix was harassed by her husband-complainant on the pretext of dowry and was living with the petitioner which fact was also known to the complainant-husband of the prosecutrix and his family members. The complainant-husband of the prosecutrix lodged present FIR on false and concocted allegations and the prosecutrix was pressurized to make false statement against the petitioner in order to wreck vengeance on him. The petitioner did not commit rape on the prosecutrix. During trial the prosecutrix has been examined and she has not supported the case of the prosecution. The trial is likely to take long time due to restrictions imposed to prevent the spread of infection of Covid-19 and

no useful purpose will be served by further detention of the petitioner in custody. Therefore, the petitioner may be granted regular bail.

On the other hand, learned State Counsel has submitted that the petitioner has committed heinous offences. In view of nature of accusation and gravity of offences, the petitioner does not deserve grant of regular bail. Therefore, the petition may be dismissed.

Keeping in view the facts and circumstances of the case, nature of accusation and evidence against the petitioner particularly statement made during trial by the prosecutrix who did not support the case of the prosecution and the fact that 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 petitioner.

In view of the above, the petition is allowed and the petitioner is 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.

25.03.2021

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(ARUN KUMAR TYAGI)
JUDGE

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