

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

214

CRM-M-20932-2020

Date of decision: 27.11.2020

Satbir

.....Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Lalit Kumar, Advocate
for the petitioner.

Mr. Manish Bansal, DAG, Haryana
for respondent No.1-State.

None for respondent No.2.

ARUN KUMAR TYAGI, J (ORAL)

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

The petitioner has filed the present (first) petition under Section 439 of the Code of Criminal Procedure, 1973 (for short, "the Cr.P.C.") for grant of regular bail in case FIR No.8 dated 23.01.2020 registered under Sections 376 and 506 of the Indian Penal Code, 1860 (for short, "the IPC") at Women Police Station Sonipat, District Sonipat.

The prosecutrix made written complaint to SHO, Women Cell, Sonipat. In the complaint, the prosecutrix alleged that she was living with Satbir (the petitioner) in live-in-relationship for the last six years. The petitioner made physical relations with her on the false promise that he would marry her but the petitioner has married another

woman named Preeti. When the prosecutrix told the petitioner that he had cheated her, the petitioner threatened her with dire consequences if she lodged any complaint against him and threatened to make her recordings and videos viral.

The petitioner, who is in custody since 03.06.2020, has filed the present petition for grant of regular bail.

The petition has been opposed by learned State Counsel for respondent No.1 in terms of status report filed by way of affidavit of Nikita Khattar, IPS, Assistant Superintendent of Police, Sonipat.

Notice of the petition was also issued to respondent No.2 which has been received back with the report that respondent No.2 had been informed about the date fixed on her mobile phone but none has appeared on her behalf.

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

Learned Counsel for the petitioner has submitted that the petitioner has been falsely implicated in the case. On 17.09.2019, the petitioner filed complaint against the prosecutrix regarding theft. The prosecutrix tendered an affidavit dated 30.09.2019 swearing on oath that she would not have any relations with the petitioner and would not file any complaint against him. The prosecutrix was demanding money from the petitioner and when he refused to pay the same, the prosecutrix lodged the above said FIR after a delay of 4 months. The prosecutrix is also involved in two more criminal cases. Offences under Sections 376 and 506 of the IPC are not made out against the petitioner. 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 in view of the nature of accusation and gravity of the 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, period of his custody, affidavit dated 30.09.2019 of the prosecutrix and also the fact that the trial is likely to take long time due to restrictions imposed to prevent the spread 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.

27.11.2020

Vinay

(ARUN KUMAR TYAGI)
JUDGE

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