

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

CRM-M-35725 of 2015

Date of Decision: December 21, 2015

Satpal

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Bijender Dhankar, Advocate
for the petitioner.

Mr. Munish Sharma, AAG, Haryana.

FATEH DEEP SINGH, J.

This is a petition under Section 438 Cr.P.C. seeking anticipatory bail in FIR No.70 dated 05.09.2015 under Sections 376-D, 506, 120-B, 34 IPC and Section 67 of Information Technology Act, 2000 registered at Police Station, Women Cell, Sonapat.

Prosecutrix, who is aged around 21 years and is a graduate had earlier levelled allegations against the petitioner that in the month of April 2015 she accompanied her friend Monika on the motorcycle of the petitioner and that she was made to consume a cold drink laced with intoxicants and has lost her consciousness and she was exploited and at that time no allegations of rape qua the petitioner and having taken her nude photographs were levelled and subsequently in the month of September, 2015 she again made a statement that the petitioner

had in fact taken her nude photographs as well as raped her along with his co-accused.

It is contended on behalf of the petitioner that neither there is any medical evidence to corroborate the allegations of rape and that the petitioner was not initially named and that subsequently after belated period of almost two months of the alleged occurrence his name has cropped up and that he has been falsely implicated and that the similarly placed co-accused has been allowed bail by the learned Additional Sessions Judge, Sonapat.

In view thereof and keeping in view the gamut of the allegations, the inordinate delay and the fact that prosecutrix is a grown up lady and her subsequent change of heart in levelling allegations against the petitioner impels this Court to allow the the present petition seeking anticipatory bail. In the event of arrest of the petitioner he be admitted to bail to the satisfaction of the arresting officer/Investigating Officer and that he will abide by the conditions as envisaged under Section 438(2) Cr.P.C.

(FATEH DEEP SINGH)
JUDGE

December 21, 2015

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