

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

**Criminal Misc. No. M-11256 of 2015
Date of decision: 04.05.2016**

Rakesh Kaushik

..Petitioner

Versus

State of Haryana

..Respondent

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

- 1. Whether reporters of local newspapers may be allowed to see judgment? Yes/No**
- 2. To be referred to reporters or not? Yes/No**
- 3. Whether the judgment should be reported in the Digest? Yes/No**

Present: Dr. Anmol Rattan Sidhu, Sr. Advocate with
Ms. Mandeep Kaur, Advocate
for the petitioner.

Mr. Baljinder Singh Virk, DAG, Haryana
for the respondent – State.

Daya Chaudhary, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. on behalf of petitioner-Rakesh Kaushik for grant of regular bail in case FIR No.667 dated 28.12.2014 registered under Sections 376 of Indian Penal Code and Section 66/67 of the Information Technology Act, 2000 at Police Station City Palwal, District Palwal.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the case on the basis of vague and false allegations as a concocted story has been made out by the complainant. There was delay of more than 2 years in lodging of the FIR. Earlier the matter was compromised with the intervention of the respectables. As per allegations, the petitioner is blackmailing

the victim on the pretext of some video whereas the prosecutrix was more than 20 years of age at the time of occurrence and relation between the parties, if any, was with the consent. Learned counsel also submits that out of total 17 prosecution witnesses, 7 have been examined and there is no possibility that the petitioner may influence the witnesses as all the material witnesses have been examined. The petitioner is in custody since 28.12.2014 and no purpose would be served in case, the petitioner is kept behind the bars.

Learned State counsel on instructions from Inspector Sunil Kumar has not disputed the custody period as well as the factum of examination of material witnesses.

Heard arguments of learned counsel for the parties and have also perused the allegations levelled in the FIR and other documents available on the file.

Keeping in view the submissions made by learned counsel for the petitioner and the fact that out of total 17 prosecution witnesses, 7 have been examined; there is no possibility that the petitioner may influence the witnesses as all the material witnesses have been examined; the petitioner is in custody since 28.12.2014 and the trial may take some time to conclude, the present petition is allowed and the petitioner (Rakesh Kaushik) is directed to be released on regular bail subject to furnishing bail/surety bonds to the satisfaction of the trial Court.

04.05.2016
neetu

(DAYA CHAUDHARY)
JUDGE