

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Misc. No. M-25455 of 2016

Date of decision : 15.09.2016

Harish Kumar

... Petitioner

versus

State of Haryana

... Respondent

CORAM:- HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. J.S. Ghumman, Advocate
for the petitioner

Mr. Apoorv Garg, DAG Haryana

ANITA CHAUDHRY, J. (ORAL)

The petitioner is seeking regular bail in FIR-cum-Challan No. 30 dated 09.03.2016 registered at Police Station Women, Sector 51, Gurgaon under Sections 354A, 376 IPC (Section 506 IPC added later on).

The petitioner is in custody since 10.03.2016 and challan has been presented.

Learned counsel for the petitioner states that the complainant is a married woman, 27 years old and the allegations are that the petitioner who is also a married man used to drive a Cab engaged by Toyota Company and allegations of harassment have been alleged since August 2014 while the complaint was lodged on 09.03.2016. Learned counsel has placed the call details to show that the complainant was in constant touch with the petitioner and used to have long conversations for over two years. He further states that it is only when the husband of the complainant came to know that the FIR was lodged.

Perusal of the order passed by the Court below shows that some Videos were recovered which have been sent to the FSL for comparison. The Investigating Officer had asked for the photographs of the prosecutrix which were to be sent for comparison, but the prosecutrix failed to give her photographs.

In the first complaint the prosecutrix did not level any allegation of rape but in her statement under Section 164 Cr.P.C. she had levelled allegations of rape.

Without commenting anything on the merits of the case and considering the fact that the trial will take time to conclude, the petition is allowed

and the petitioner is ordered to be released on bail on his furnishing adequate bonds to the satisfaction of the trial Court/Duty Magistrate with the rider that he will not contact the prosecutrix in any manner and will not tamper with the evidence.

September 15, 2016
reena

(ANITA CHAUDHARY)
JUDGE

Whether Reasoned/Speaking

Yes/No

Whether Reportable

Yes/No