

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

**Crl. Misc. No.M- 6141 of 2016
Date of decision : 11.03.2016**

Shyam Sunder

.....Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Munish Mittal, Advocate
for the petitioner.

Ms. Mahima Yashpal, AAG, Haryana.

Mr. Diwan S. Adlakha, Advocate
for the complainant.

ANITA CHAUDHRY, J.

The petitioner is seeking regular bail in FIR No. 691 dated 02.10.2015, registered under Sections 420, 376, 328, 506 IPC , Police Station City Yamuna Nagar, District Yamuna Nagar.

Counsel for the petitioner contends that the petitioner had taken a sum of Rs.6 lacs but could not return the same and the complainant had threatened to implicate him in false rape cases. It was urged that the date of incident is not given in the complaint and the complaint had been made after a year nor any medical was got done and the petitioner was arrested on 02.10.2015 and investigation is over.

Bail application has been opposed by the complainant as well as the State. It was urged that allegations were serious and the statement of the victim had not been recorded yet.

The complainant is married though, there are disputes between them. The allegations made by the complainant were that she had been appearing in the Courts for her cases and met the petitioner who had assured to get her a government job. She paid Rs.9 lacs to him. The complainant was called and was compelled to have sexual relations by the petitioner when she objected, a juice mixed with an intoxicant was given and taking advantage of her condition, she was raped and her obscene photographs were taken.

The police investigated the matter and has filed the challan. No medical was got done. No photographs were recovered. The incident has been reported after a year. The trial would take time to conclude. Without commenting upon the merits of the case, the petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal and surety bonds to the satisfaction of trial Court/Duty Magistrate with a rider that he would not directly or indirectly contact the prosecutrix.

11.03.2016
sunil

(ANITA CHAUDHRY)
JUDGE