

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

CRM-M No. 17620 of 2017(O&M)

Date of decision: 23.5.2017

Rajesh Puri

....Petitioner

VERSUS

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Manish Soni, Advocate for the petitioner.

Ms. Dimple Jain, AAG, Haryana assisted by
ASI Sant Lal.

REKHA MITTAL, J.(Oral)

The petitioner prays for grant of regular bail in FIR No.02 dated 22.01.2017 registered with Women Police Station, District Kaithal for offence punishable under Sections 376, 452 and 506 of the Indian Penal Code, 1860.

Counsel for the petitioner has submitted that the complainant is a widowed lady having two children out of her wedlock with Bir Puri (since deceased). It is further submitted that as per the allegations raised in the FIR, the accused came to her house at about 12 six months ago and committed rape. From 07.01.2017 to 19.01.2017, he took her to Delhi and Chandigarh and committed rape. It is argued with vehemence that from the allegations made in the FIR, it is a clear case of consent by the complainant but she has lodged the FIR with some ulterior motive. It is further submitted that the petitioner has been remanded to judicial custody, therefore, no longer required for the purpose of investigation when

otherwise challan has been presented in the Court and conclusion of trial is likely to take its own time.

Counsel for the State has opposed the prayer for bail with the submission that in view of gravity of offence, the petitioner is not entitled to be released on bail.

In view of the allegations raised in the FIR pointed out by counsel for the petitioner coupled with the factum that presence of the petitioner is required only for attending to the proceedings along with the fact that there is no allegation against the petitioner that he is likely to flee from the process of justice, in case enlarged on bail, without meaning to express any opinion on merits of the controversy, the petitioner shall be released on bail subject to satisfaction of the trial Court. However, he shall abide by the following conditions:-

- (i) he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of the case so as to dissuade him/her from disclosing such facts to the Court;
- (ii) he shall not leave India without previous permission of the Court.

MAY 23, 2017

‘D. Gulati’

(REKHA MITTAL)

JUDGE

Whether speaking/reasoned	:	yes/no
Whether reportable	:	yes/no