

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

CRM-M No. 3341 of 2017(O&M)

Date of decision: 3.4.2017

Sandeep Kumar

....Petitioner

VERSUS

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. P.S. Sullar, Advocate for the petitioner.

Mr. Amrik Narwal, DAG, Haryana.

REKHA MITTAL, J.(Oral)

The petitioner prays for grant of regular bail in FIR No.44 dated 18.06.2016 registered with Women Police Station Ambala, District Ambala for offence punishable under Sections 323 and 376 of the Indian Penal Code, 1860 (in short 'IPC').

Counsel for the petitioner has submitted that the prosecutrix is a married lady aged about 30 years and she was working in the same company in which the petitioner was an employee. Further argued that as per the allegations raised in the FIR, the prosecutrix was raped for the first time 5-6 months before the occurrence in June 2016 and in between they had physical relationship, meaning thereby that the present is a clear-cut case of consent by the prosecutrix but later she lodged the FIR because of some differences between the petitioner and the prosecutrix. It is further submitted that the prosecutrix has already been examined in the case, therefore, there is no possibility of tampering with evidence in case the

petitioner is enlarged on bail. The last submission made by counsel is that the petitioner is ready to face the proceedings without any default though otherwise conclusion of trial is likely to take its own time.

Counsel for the State has not disputed the factual assertions but opposed prayer for bail on the plea that offence under Section 376 IPC is serious in nature.

I have heard counsel for the parties and perused the paper-book.

Concededly, the petitioner is in custody since 18.06.2016. The prosecutrix has already been examined in the case. Perusal of the allegations raised in the FIR substantiates plea of the petitioner with regard to averments raised by the prosecutrix. Conclusion of trial is likely to take its own time. There is no allegation against the petitioner that he is likely to flee from process of justice, in case enlarged on bail.

Without meaning to express any opinion on merits of the case, the petitioner shall be released on bail subject to furnishing bail bonds to the 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.

APRIL 3, 2017
'D. Gulati'

(REKHA MITTAL)
JUDGE

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