

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

Criminal Misc. No. M-36995 of 2017

Date of Decision:-06.10.2017

Roop Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present:- Mr. Sanjay Verma, Advocate
for the petitioner.

Mr. Munish Sharma, AAG, Haryana.

FATEH DEEP SINGH J.(Oral)

The allegations against the petitioner Roop Kumar in this regular bail application under Section 439 Cr.P.C. in FIR No.572 dated 21.6.2017, under Sections 384, 388, 506, 354 IPC and Section 3(x) of SC & ST Act, Police Station City Thanesar, District Kurukshetra, are that during the period 2016 to 2017 the petitioner came into contact with the prosecutrix, a widow aged around 35 years having grown up children and both of them developed physical relations. The allegations against the petitioner are that he oftenly visited her house and the couple used to have rendezvous and thereafter as per allegations, the petitioner after forcibly removed clothes of the prosecutrix, took objectionable photographs in his mobile and used the same to blackmail her in extracting money, leading to registration of the present case.

The contentions of learned counsel for the petitioner are that

the petitioner is behind the bars since 22.6.2017 and it was a case of free consent in between grown up person and a lady who is mature and it is only because the relationship has gone sour, the present case has been got registered by misusing the process of the Court by the prosecutrix.

Learned State counsel has sought to oppose vehemently the bail application on the grounds of seriousness of the allegations and heinousness of the crime.

Appreciating the submissions of two sides and from the police record, especially the photographs, the case is in itself suggestive the abundance of consent from the side of prosecutrix. In this amorous relationship both the sides are mature, the petitioner is aged about 24 to 25 years whereas the prosecutrix is a mature lady of above 35 years of age. In the present case there are certain evidence which can only be looked into at the time of trial. Keeping in view the period of incarceration undergone by the petitioner and the fact that the trial will take a long time to conclude, this Court is of the opinion that further detention of the petitioner in the present case is unwarranted. Accordingly, he is ordered to be released on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Kurukshetra.

The petition stands disposed off accordingly.

October 06, 2017

Vijay Asija

(FATEH DEEP SINGH)
JUDGE

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No