

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

**CRM No.M-7206 of 2017
Decided on: 11.05.2017**

Azad Hind Rajbhar

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MRS JUSTICE REKHA MITTAL

Present : Mr. S.S. Dinarpur, Advocate for the petitioner.

Mr. Vikas Malik, DAG, Haryana.

REKHA MITTAL, J. (Oral)

The petitioner prays for grant of regular bail under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.118 dated 19.11.2016, for offence punishable under Section 376 of the Indian Penal Code, 1860 (in short 'IPC') and Section 3(1)(xii) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 registered in Police Station Women, Yamuna Nagar, District Yamuna Nagar.

Counsel for the petitioner has submitted that as per the allegations raised in the FIR, the complainant, aged about 26 years came in contact of the petitioner 08 years ago. She has admitted the factum of physical relationship between the two for the past many years. In the Counseling Report dated 18.11.2016 prepared by Sangeeta Verma, S.W.D.W.A. submitted to the SHO, P.S. Kashmiri Gate, the accused solemnized marriage with the alleged victim in a Temple at Jammu and thereafter clicked her obscene photographs. It is further submitted that during investigation, no such photographs have been

recovered. On completion of investigation, challan has been presented and conclusion of trial is likely to take its own time.

Counsel representing State of Haryana has not disputed the factual assertions but would state that as the prosecutrix is yet to be examined in the case, the petitioner may not be released on bail.

I have heard counsel for the parties, perused the paperbook and the police records.

The petitioner has already been remanded to judicial custody, therefore, his presence is required only for the purpose of facing trial. There is no allegation against the petitioner that he is likely to flee from process of justice if enlarged on bail. It would be a serious moot point during trial, if the alleged relationship between the two is consensual or on the pretext of marriage. The petitioner is ready to face the proceedings, in accordance with law. Without commenting upon merits of the case, bail to the petitioner subject to satisfaction of the trial Court. However, he shall remain bound by the following conditions:-

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

11.05.2017
yakub

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned
Whether reportable:

Yes/No
Yes/No