

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

Crl. Misc. No.M-1421 of 2018

Date of decision : 19.01.2018

Rohit Kumar @ Gunnu

.....Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Raman Goklaney, Advocate
for the petitioner.

Mr. K.S. Aulakh, DAG, Punjab.

ANITA CHAUDHRY, J.

The petitioner is seeking regular bail in FIR No.216 dated 03.10.2017, registered under Sections 376 & 506 IPC, Police Station Canal Colony, Bathinda, District Bathinda.

The complaint had been made by a married woman against her husband's friend. The allegations are that the petitioner proposed friendship and when she refused he threatened to kill her husband and also attempted suicide to pressurize her and thereafter started coming to her house and had raped her on number of occasions. The complainant did not disclose the incident to her family for the sake of reputation but then she confided in her husband and the matter was reported to the police. It had been alleged that the petitioner had been raping her for over a year.

Counsel for the petitioner had placed on record some photographs and states that it is a case of consent and the petitioner had

been depositing some amounts in the account of the complainant. Counsel contends that no date or time of the incident had been mentioned and the petitioner is in custody since 03.10.2017 and the challan has been filed. It was urged that the complainant had taken some photographs and was now blackmailing him. The photographs filed by the petitioner are taken on record.

The petitioner is in custody for over 3½ months. The complainant is married. The petitioner was known to the family. It will have to be decided by the trial Court as to whether it was a case of consent.

The trial will take long 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.

19.01.2018

sunil

(ANITA CHAUDHRY)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No