

Sr. No. 207

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

CRM-M-26138-2018

Date of decision: 21.06.2018

Vikas Verma

.....Petitioner

versus

State of Haryana

.....Respondent

Coram: Hon'ble Mr. Justice Rajbir Sehrawat

Present: Ms. Meenakshi Malik, Advocate
for the petitioner(s).

Rajbir Sehrawat, J.(Oral)

Present petition has been filed for seeking regular bail under Section 439 Cr.P.C in FIR No.41 dated 17.02.2018 under Sections 354, 376, 452, 506 of IPC registered at Police Station Sadar Gohana, District Sonipat.

Learned counsel for the petitioner submits that the case against the petitioner is false and concocted. No rape has ever been committed by the petitioner. It is further contended that prosecutrix has given two different versions. In the FIR she has given a version suggesting that rape was committed at her matrimonial home whereas in another application moved to the SHO, Women Police Station, Rohtak she has stated that incident had taken place at Ansh(Tpasya) Hotel Rohtak. It is further contended that the prosecution has already filed report under Section 173 in the Court and the petitioner is not required for any recovery and trial is likely to take a longer time. Hence the petitioner deserves the concession of regular bail.

Notice of motion.

On the asking of the Court, Shri Surender Singh, AAG, Haryana who is present in Court accepts notice on behalf of the State of

Haryana and submits that the prosecutrix has recorded her statement under Section 164 Cr.P.C. in which she has stated about the incident, as having taken place at the Ansh(Tpasya) Hotel Rohtak. Police has taken into possession even the CCTV footage of the Hotel which shows the presence of the petitioner and the prosecutrix at the Hotel.

As per the facts of the case, the petitioner is of 25 years of age whereas the prosecutrix is stated to be a married women of 23 years and having one son. The petitioner admittedly had acquaintance with the family of the prosecutrix whose husband happens to be in jail. To a pointed query as to the nature of reflection from the CCTV footage; learned counsel for the State submits that both, the petitioner as well as the prosecutrix are seen coming out of the room of the hotel in a joyful mood. This prima facie shows the consent of the prosecutrix, if at all incident has taken place.

By any means, at this stage the consent of the prosecutrix to the act of the petitioner can not be ruled out in the given facts and circumstances of the case. Further more, challan has already been presented by the prosecution. There are total 16 witnesses and none of them has been examined so far. Trial is likely to take a longer time. Therefore no purpose would be served by keeping the petitioner in custody.

In view of the above, the petitioner is granted the concession of regular bail pending trial. He be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the concerned Trial Court/Duty Magistrate.

21st June, 2018

Shivani Kaushik

**[RAJBIR SEHRAWAT]
JUDGE**

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>