

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

CRM-M-27301-2018

Date of decision:-18.9.2018

Rahul @ Satbir

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.Gaurav Singla, Advocate
for the petitioner.

Mr.Gaurav Bansal, AAG, Haryana.

H.S. MADAAN, J.

This petition for regular bail has been filed by petitioner –
Rahul @ Satbir – an accused in FIR No.260 dated 17.9.2017, under
Sections 376, 506 IPC, registered at Police Station Sector 14, Gurugram.

Briefly stated, the facts of the case as per the prosecution
story, are that the prosecutrix was having medical problem and she was
going to Rahul @ Satbir (present petitioner) working as a *Tantrik* and on
17.9.2017 at about 11:30 a.m. while the prosecutrix was alone at her
house, then accused Rahul @ Satbir came there on the pretext of giving
medicine and started misbehaving with her and when the prosecutrix
raised objection, then Rahul @ Satbir threatened to kill her and her family

members and then he committed rape upon the prosecutrix and ran away. The matter was reported to the police by the prosecutrix. On the basis of her statement, formal FIR was recorded. Accused was arrested. He had filed an application for regular bail in the Court of Sessions, which was declined by learned Additional Sessions Judge, Gurugram vide order dated 12.1.2018, as such, he has approached this Court with the same request.

Notice of the petition was given to respondent – State and counsel representing the State has put in appearance.

I have heard learned counsel for the parties besides going through the record.

Learned counsel for the petitioner has contended that the petitioner is innocent and has been falsely involved in this case; that the husband of complainant/prosecutrix had been treating her with cruelty and she tried to commit suicide even; that the petitioner saved her life and kept her in his house with her consent and thereafter solemnized marriage with her in a temple, the photographs of the marriage have been annexed, therefore, there was no occasion to commit rape on the prosecutrix and the petitioner has been wrongly involved in this case.

Whereas, the request is being opposed by learned State counsel vehemently.

After hearing the contentions of learned counsel for the parties, I find that the contentions put forward by learned counsel for the petitioner are devoid of any merit and the petition is doomed for failure.

The complainant being a married woman having children, it cannot be

believed that she would contract a marriage with the petitioner and reside with him in his house of her own during subsistence of her marriage with her husband Kuldeep. There is nothing on record to show that Kuldeep used to harass and maltreat the prosecutrix or that marriage between them stood dissolved. The prosecutrix in her statement to the police has categorically stated that accused had come to her house on the pretext of giving her medicine and then had sexual intercourse with her against her consent by giving threat to kill her and her family and thereafter he ran away. The allegations are indeed very serious and grave, which do not warrant the release of the petitioner on bail. The apprehension expressed by the State counsel that if petitioner is granted bail, there is every likelihood to his absconding and even trying to tamper with the prosecution evidence cannot be brushed aside lightly.

Therefore, finding no merits in the petition, the same stands dismissed.

18.9.2018
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No