

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

CRM-M-40118-2018 (O&M)

Date of Decision: 24.09.2018

Mahender Kumar

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. B.R. Gupta, Advocate
for the petitioner(s).

Mr. Tanuj Sharma, A.A.G., Haryana.

ANITA CHAUDHRY, J

Petitioner is seeking regular bail in FIR No.22 dated 09.12.2017, registered under Sections 376(D), 450 & 506 of IPC at Women Police Station Charkhi Dadri, District Charkhi Dadri.

On the last date of hearing, the petitioner had placed on record a judgment to show that the complainant is used to making such complaints and extorting money. The name of the victim was not available in the judgment, therefore, the State was asked to verify. The State has filed reply.

Counsel for the petitioner has placed on record the FIR registered in Gurgaon in September, 2016 to show that the same complainant had made allegations of rape and the trial had ended in acquittal.

The allegations against the petitioner are that the petitioner who is a landlord had raped the victim who was his tenant. She is a divorcee.

The judgment placed on the file by the petitioner shows that a similar complaint had been lodged against Ranbir Singh a resident of Bhiwani and the trial had ended in acquittal. The complainant was earlier married and she had stated this in the earlier complaint that she was a divorcee.

The petitioner is in custody since 29.12.2017. Challan has already been presented. The trial would take time. The complainant is major and the FIR was lodged after a delay.

Considering the circumstances, but without commenting anything on the merits of the case, the petition is allowed. The petitioner is ordered to be released on bail on his furnishing surety and adequate bail bonds to the satisfaction of the Illaqa Magistrate/Duty Magistrate.

September 24, 2018

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**(ANITA CHAUDHRY)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No