

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

Crl. Misc. No.M-40282 of 2017

Date of decision : 15.01.2018

Nitin Tyagi

.....Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Kartar Singh, Advocate
for the petitioner.

Ms. Mahima Yashpal, AAG, Haryana.

Complainant in person with
Mr. K.K. Chaudhry, Advocate.

ANITA CHAUDHRY, J.

The petitioner is seeking regular bail in FIR No.93 dated 16.06.2017, registered under Sections 323, 328, 376-D, 384, 506 IPC, Section 25 of Arms Act and Section 3(1)(XII)-33-89 of SC/ST Act, 1989 at Women Police Station, District Faridabad.

Heard.

Allegations had been levelled by a national level player of Yoga that she was raped by the accused on 01.08.2016 as the drink laced with some intoxicant was given to her. The allegations were that a co-accused had made a video clipping. The allegations are that the petitioner was a neighbour and had been continuously mis-using her and last episode took place on 25.04.2017. The FIR was registered on 16.06.2017.

The petitioner is in custody since 27.07.2017. The statement of the prosecutrix has been recorded. She did not identify the co-accused. No weapon was recovered nor the police could recover any video clipping. The petitioner has now been declared a juvenile. No DNA test was carried out. The girl was major at the time of occurrence.

The trial will take 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/Juvenile Justice Board, with a condition that he would not contact the prosecutrix or any of her relatives or tamper with evidence.

15.01.2018
sunil

(ANITA CHAUDHRY)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No