

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

Criminal Misc. No.M- 41233 of 2017(O&M)

Date of Decision: May 31 , 2018.

Manoj Kumar and another

..... PETITIONER (s)

Versus

State of Haryana

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. G.S.Sandhu, Advocate
for the petitioners.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

Mr. Vishwajeet, Advocate for
Mr. Vikram Singh, Advocate
for the complainant.

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

LISA GILL, J.

Prayer in this petition is for grant of anticipatory bail to the petitioners in FIR No.820 dated 08.08.2017 under Sections 328/34/376/506 IPC registered at Police Station City Karnal, District Karnal.

It is submitted that both the petitioners (who are husband and wife) have been falsely implicated in this case. As per allegations in the FIR, petitioner No.1 is alleged to have mixed some intoxicant substance in the cold-drink served to the prosecutrix in the month of March, 2017 and committed rape

upon her. He is alleged to have prepared obscene videos of her. Thereafter, it is alleged that petitioner No.1 exploited the prosecutrix on the basis of the said videos. Learned counsel for the petitioners while referring to the transcript of conversation (Annexure P2) between petitioner No.1 and the prosecutrix, submits that it is apparent that there is no element of force in the relationship, if any, between petitioner No.1 and the prosecutrix. The mobile phone has been handed over to the Investigating Agency by petitioner No.1. Petitioner No.2, it is submitted, has been found innocent during investigation. It is submitted that the petitioners have joined investigation and they undertake to face the proceedings and not misuse the concession of anticipatory bail, if confirmed. It is further submitted that the petitioners are not involved in any other criminal case except one case under Section 420 IPC at Ambala. Therefore, it is prayed that this petition be allowed.

Learned counsel for the State has opposed this petition. However, it is confirmed that the mobile phone of petitioner No.1 has been recovered. It is further confirmed that the prosecutrix has refused to give her voice samples. Learned counsel for the State verifies that the petitioners have joined investigation. Petitioner No.2 has been found innocent. Petitioner No.1, it is informed, is not involved in any other criminal case except one under Section 420 IPC at Ambala.

There are no allegations on behalf of the State that the petitioners are likely to abscond or that they are likely to dissuade the witnesses from deposing true facts before the Court, if released on bail.

Keeping in view the facts and circumstances as above but without

commenting upon or expressing any opinion on the merits of the case, this petition is allowed. Consequently, order dated 19.12.2017 is made absolute.

It is made clear that the petitioners shall not directly or indirectly try to contact the complainant/prosecutrix or any of her family members or witnesses in this case. Any such infraction on the part of the petitioners may entail cancellation of their bail.

It is clarified that none of the observations made hereinabove shall be construed to be a reflection on the merits of the case. The same are solely confined for the purpose of decision of the present petition.

May 31 , 2018.
'om'

(**LISA GILL**)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No