

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

Crl. Misc. M-42378 of 2018 (O&M)
Date of Decision: October 01, 2018

Narender Vashista

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Vinod Ghai, Senior Advocate with
Mr. J.S. Mehndiratta, Advocate
for the petitioner.

Mr. P.P. Chahar, DAG Haryana.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.57 dated 10.04.2017, under Section 376 of Indian Penal Code, registered at Police Station Women, Sector 16-A, Faridabad.

Mr. Vinod Ghai, learned Senior counsel for the petitioner, assisted by Mr. J.S. Mehndiratta, Advocate submits that the petitioner herein has been in custody since 29.07.2018. It is contended that a reading of the FIR dated 10.04.2017 would reflect that there is an allegation against the petitioner that he committed rape upon the complainant at his house in Sector 46 Faridabad. He relies upon an affidavit of the Inspector, Station House Officer, Women Police Station, Sector 16, Faridabad that was filed in

Writ Petition (Criminal) No.124 dated 2017 to argue that the allegations of rape, as alleged by the victim, not made out. It is further argued that the affidavit that was filed, took into consideration the investigation that was done not only by the Investigating Officer, but also by the SIT that was constituted by the ADGP, Crime. Apart from that, it is argued that the victim had handed over her clothes to the Investigating Officer along with her medical report at the time of getting the FIR registered and the FSL report does not support the allegations as set out. It is also stressed that this case has been registered against the petitioner only to extort money and blackmail him. It is also contended that the FIR No.398 dated 21.06.2017 has also been registered, in which anticipatory bail has been declined to the accused therein.

Per contra, learned counsel appearing on behalf of respondent-State, on instructions from the Investigating Officer, opposes the grant of regular bail to the petitioner, while submitting that the allegations in the FIR do not warrant regular bail to the petitioner. It is argued that the enquiry report that has come forth has not been relied upon and the final report under Section 173 Cr.P.C. has been filed under Section 376 of Indian Penal Code, in which charges are yet to be framed.

I have heard learned counsel for the parties and have also perused the pleadings of the case, which would reflect that an affidavit has been filed, reflecting the detailed investigation that was done by the Investigating Officer and the SIT that was constituted. Apart from that, the FSL report does not prima facie support the contention raised by the victim. In view of the fact that investigation is complete, as the challan has been

presented, no useful purpose would be served in keeping the petitioner behind bars. At this stage, without commenting on the merits of the case, the instant petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal bond and surety bond to the satisfaction of concerned trial Court/Duty Magistrate.

October 01, 2018
vijay saini

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No