

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-42940 of 2018
Date of decision : November 01, 2018

Rajbir

....Petitioner

versus

State of Haryana

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Raman Chawla, Advocate, for the petitioner
Mr. Munish Sharma, AAG, Haryana for the State

Fateh Deep Singh, J. (Oral)

The allegations against the petitioner-accused Rajbir in this case have been levelled by the prosecutrix a married lady aged around 28 years wherein she alleged that on 16.4.2018 she was accosted by the accused and one Surender, the latter caught hold of her and on her raising raula both the accused fled away from the spot. Further it has been alleged by the prosecutrix that three four months prior thereto, the petitioner had ravished her and recorded the act on the mobile and subsequently on his black-mailing she had succumbed to his desires and has submitted herself to the accused

on all these occasions and thereafter got lodged the present FIR on 17.4.2018.

Mr. Raman Chawla, counsel for the petitioner submits that the petitioner is behind the bars since 17.4.2018 and that the allegations of the prosecutrix are reflective of her consent being married grown up lady had repeatedly admitted to have carried on with this relationship and has also not supported the prosecution version at the trial.

Though on behalf of the State, the factual scenario is not displaced, however, the learned State counsel on instructions from HC Rajesh Kumar, Police Station Behal, District Bhiwani has opposed the grant of bail on the ground of heinousness of crime and seriousness of allegations.

Appreciating the submissions, without feeling the necessity to advert to the merits of the case, prima facie the allegations clearly bear out that the prosecutrix who admittedly is a married grown up lady had been carrying on this relationship for a long period of time and kept silent for quite some time is itself suggestive of consensual relationship and submitting to the desires of the accused. The culpability, if any, shall be determined at the time of trial which is not likely to be concluded in near future, no useful purpose will be served by retaining the petitioner in custody.

Accordingly, he is ordered to be released on regular bail to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, Bhiwani.

The present petition stands disposed off accordingly.

The observations made herein above shall not be binding on the trial court at the time of trial as these are purely for the disposal of the present bail application.

November 01, 2018
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(Fateh Deep Singh)
Judge

Whether speaking/reasoned ?

Yes/No

Whether Reportable ?

Yes/No