

In the High Court of Punjab and Haryana at Chandigarh

**Crl. Misc. No. M-47212 of 2017
Date of Decision: 25.1.2018**

Stalin

.....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Virender Soni, Advocate
for the petitioner.

Ms. Mahima Yashpal, AAG, Haryana

Mr. Rahul Makkar, Advocate
for the complainant.

ANITA CHAUDHRY, J

The petitioner is seeking regular bail in FIR No. 273 dated 23.8.2017 registered at Police Station Old Subji Mandi, Rohtak under Sections 67 of Information Technology Act and Section 120-B, 342, 376, 506 IPC.

The petitioner is the brother-in-law of the complainant. The allegations levelled by the victim are that he used to come to their house when nobody was there and forced her to have relations with him and threatened suicide. The allegations are that he had threatened to kill the complainant's sister and children and under that threat, she was raped and obscene video on the mobile was taken and he was misusing it. She had also mentioned that he had taken her from the house in 2016 and had threatened not to make a statement against him before the Magistrate and rape was committed with her at Haridwar and the threats continued.

Counsel for the petitioner contends that the petitioner is in custody since 1.9.2017 and investigation is over and challan has been filed but charge has not been framed. The counsel refers to the statement made under Section 164 Cr.P.C. to show that in the first FIR the prosecutrix, who was major, had made a statement that she had gone on her own. It was urged that it was a case of consent and this is for the second time the victim had accompanied him.

State counsel informs that the petitioner had uploaded the pictures on his Facebook account and had written messages.

At the time of arguments, the pictures of the Facebook account were shown which show that the messages have been given but the nickname of the girl has been mentioned and the real name is not mentioned. No obscene photo has been posted.

The complainant is the sister-in-law of the petitioner and is major. This is the second time that an FIR had been lodged. The prosecutrix had made a statement that she had gone on her own. She was away with him for two weeks and had gone to Haridwar.

Without commenting anything on the merits of the case and considering the fact that the trial will take time to conclude, the petition is allowed and the petitioner is ordered to be released on bail on his furnishing surety and adequate bonds to the satisfaction of the trial Court/Duty Magistrate with a condition that the petitioner would not live in Rohtak. We are told that the petitioner is working in D.C. Office, Karnal but now is under suspension. The petitioner would not contact the prosecutrix in any manner. The petitioner would give an undertaking in this regard while furnishing bonds. The complainant side would be free to approach the

Court for recall of the order if there is a violation.

(ANITA CHAUDHRY)
JUDGE

January 25, 2018
Gurpreet

Whether speaking/reasoned : Yes
Whether reportable : No