

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

**CRM-M No.52668 of 2018**

Date of decision: 5<sup>th</sup> December, 2018

Virender

... Petitioner

Versus

State of Haryana

... Respondent

**CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH**

Present: Mr. Ankur Lal, Advocate for the petitioner.

Mr. Baljinder S. Virk, Dy. Advocate General, Haryana  
for the respondent/State.

**FATEH DEEP SINGH, J. (ORAL)**

Allegations against the petitioner Virender in this first regular bail application under Section 439 Cr.P.C. in case FIR No.12 dated 23.04.2018 under Sections 376/417/384/506/452 IPC pertaining to Women Police Station City Kaithal, have been levelled by a widowed lady aged around 30 years with kids. In her allegations, the complainant alleged that the petitioner has his land adjoining to the land of family of the complainant besides the fact that the petitioner is running a joint trade with the mother-in-law of the complainant regarding sale of cows/buffalos. The complainant alleged that the petitioner, one fine day, forcibly and against her wishes ravaged her which incident took place almost two years prior to registration of the FIR and since then had been raping her against her wishes and on his blackmailing she was forced to

part with a buffalo worth Rs.95,000/- besides cash amounting to Rs.7.00 lacs, leading to registration of the present case on 23.04.2018 in which the petitioner was arrested on 03.06.2018.

Learned counsel for the petitioner Mr. Ankur Lal, Advocate contends that a bare perusal of the allegations bears out that a grown up widowed lady had a consensual relationship with the petitioner for a long time and further it is reflective of some monetary dispute between the two and that the petitioner has already undergone incarceration for almost five months.

On behalf of the State, Mr. Baljinder Singh Virk, Dy. Advocate General, Haryana assisted by ASI (Ms.) Sunita, Police Station Women, Kaithal has sought to oppose the grant of bail on the grounds of heinousness of the offence and seriousness of allegations, arguing that the trial is underway and if allowed bail the petitioner might influence the witnesses.

Going through the submissions of the two sides, the own stand of the complainant spelled out in her complaint which forms the FIR, is itself suggestive that it was over a long period of time she was in a relationship with the petitioner and never reported about the incident to anyone throughout this period. Learned State counsel concedes that there is no worthwhile medical evidence to prove her allegations. In view thereof together with the inordinate delay that has come about, without feeling the necessity to advert on to the merits, this Court is of the

opinion that it is a fit case to allow bail to the petitioner. Accordingly, he is ordered to be released on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Kaithal. However, any observation made herein shall not be construed to be an expression on the merits.

The petition stands disposed off accordingly.

**(FATEH DEEP SINGH)**  
**JUDGE**

**December 5, 2018**

*rps*

|                           |        |
|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |