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*** IN THE HIGH COURT OF DELHI AT NEW DELHI**

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Judgment delivered on: 07.03.2018

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BAIL APPLN. 22/2018

KHUSHAL SINGH CHAUHAN @ VISHAL Petitioner

versus

STATE (GOVT OF NCT OF DELHI)

..... Respondent

Advocates who appeared in this case:

For the Petitioner : Mr. Anil Kumar Gujral with Mr. S.S. Panwar and Ms. Nivedita Panwar, Advocates.

For the Respondents : Mr. Mukesh Kumar, APP for the State.
ASI Usha Rawat, PS Haus Khas.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

07.03.2018

SANJEEV SACHDEVA, J. (ORAL)

BAIL APPLN. 22/2018

1. The petitioner seeks Regular Bail in FIR No.264/2017 under Section 376/506/323 IPC, Police Station Hauz Khas (South).

2. Learned counsel for the petitioner submits that the petitioner has been falsely implicated. It is contended that, as per the compliant, the alleged incident occurred on 08.08.2017 around 3 pm. Learned counsel for the petitioner submits that the testimony of the prosecutrix

has been recorded before the Trial Court and, as per her statement, no complaint was made by her either to her husband or to the police till 13.08.2017.

3. It is contended that she in her testimony admits that she had physical relationship with her husband from 08.08.2017 to 13.08.2017. Further, as per her testimony, there was a fight between her and her husband on 12.08.2017, consequent to which, she made a call to the Police Control Room. The call was responded and when the Police Officials reached the house and tried to sort out the quarrel, between her and her husband, she claims to have suggested to the Police Officials to call the petitioner to sort out the quarrel.

4. Further, it is contended that, in the statement she has stated that the quarrel had taken place as her husband had asked for her mobile phone and she had refused to provide the same. She herself claims to have given the number of the petitioner to the Police Officials. As per her testimony, the petitioner was called and with his intervention the quarrel between her and her husband was sorted out.

5. Learned counsel for the petitioner further contends that she in her testimony stated that she did not inform anyone about any alleged threat being meted out by the petitioner.

6. Learned counsel for the petitioner further contends that the testimony of the public witnesses has already been recorded and six

prosecution witnesses have already been recorded including the Prosecutrix and there is no possibility of the petitioner prejudicially affecting any of the public witnesses.

7. Without commenting upon the merits of the case, on examination of the record, I am of the view that the petitioner has made out a case for grant of bail.

8. Accordingly, the petitioner is granted bail, subject to the petitioner furnishing a bail bond of Rs.25,000/- with the surety of the like amount to the satisfaction of the Trial Court. The petitioner shall not do anything which shall prejudice either the trial or the prosecution witnesses. The petitioner shall also not leave the country without the permission of the Trial Court. The petitioner shall not endeavour to contact the prosecutrix or her family members.

9. Order *Dasti* under the signatures of the Court Master.

March 07, 2018
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SANJEEV SACHDEVA, J