

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM M-12070 of 2018

Date of Decision: May 09, 2019

Mukesh

.....Petitioner

Versus

State of Haryana

.... Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present : Mr. V.P. Sangwan, Advocate
for the petitioner.

Mr. Baljinder Virk, DAG, Haryana.

FATEH DEEP SINGH, J. (Oral)

This order shall dispose off regular bail application under Section 439 Cr.P.C. moved in FIR No. 125 dated 03.06.2017 under Sections 328 and 376 IPC, Police Station Badhra, District Charkhi Dadri.

The brief allegations levelled by a married woman aged around 32 years alleging that the accused family was known to them and on 14.05.2019 when she alongwith her mother-in-law had gone to Kadma for personal work and was waiting for a bus, accused had

come on a motorcycle and offered them a lift, to which, they accepted and thereafter, both the ladies accompanied the accused to his village where they had tea. It is alleged subsequently while they were sitting, the co-accused non-applicant Sonam came and took the complainant to another room where it is alleged that the accused had offered her cold drink laced with intoxicants and she on consumption became unconscious at which the accused is alleged to have defiled her and as well as videographed the act.

Mr. V.P. Sangwan, learned counsel for the petitioner interalia contends that the petitioner is behind the bars for almost two years and that a bare perusal of the allegations bears out implausibility of the version as it is highly unacceptable that the complainant could be defiled in the same very house in which others too including her mother-in-law were present. More so, the petitioner is a grown up married lady and, thus, admittedly in a consensual relationship.

Mr. Baljinder Virk, DAG, Haryana assisted by ASI Sekhar has though not displaced the facts as has been brought to the notice of this Court by the counsel for the petitioner but has opposed the grant of the relief on account of heinousness of the offence and seriousness of the allegations.

Having gone through the submissions, admittedly, the complainant happens to be a grown up married mature woman. Her studied silence over a period of time after this occurrence and the story

that has been weaved are illustrative of infringing upon implausibility.

In view of the fact that culpability, if any, of the petitioner shall be determined at the trial which is not likely to be concluded in the near future. This Court is of the opinion that it is a fit case for grant of bail. Accordingly, the petitioner is ordered to be released on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, concerned.

However, it is made clear that anything observed herein shall not be construed as an expression on the merits of the case.

Disposed off.

May 09, 2019
amit rana

(FATEH DEEP SINGH)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No