

CRM-M-12291-2019

Date of Decision : 22.05.2019

Vinod Kumar

.....Petitioner

versus

State of Haryana

....Respondent

**CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH****Present:** Mr. S.S. Khurana, Advocate  
for the petitioner.Mr. Baljinder Singh Virk, DAG, Haryana  
for the respondent-State.**FATEH DEEP SINGH, J. (ORAL)**

Mr. Ashish Yadav, Advocate puts in appearance of his own on behalf of the complainant and filed *vakalatnama* which is taken on record.

This order shall dispose off first regular bail application under Section 439 Cr.P.C in a case bearing FIR No.119 dated 28.10.2018 filed under Sections 376 and 506 of the Indian Penal Code registered at Police Station Women, District Rewari.

The allegations against petitioner-Vinod Kumar in this first regular bail application have been levelled by an unmarried girl, aged around 22 years. In her complaint, the complainant alleges that the accused/petitioner and complainant were class fellows and has developed

intimacy and during the course of the same, photographs were clicked of both of them and subsequently, it is alleged that the accused has violated the prosecutrix on 2-3 occasions in different hotels. It is further alleged that the petitioner has been threatening her to put her video on web, on account of which, she kept mum and ultimately, the present complaint has come about, in which the petitioner was arrested on 28.10.2018.

Learned counsel for the petitioner *inter alia* contends that both, the petitioner and the complainant, are grown up persons and as per the own allegations of the complainant, they were in intimate relationship and has sought to place reliance on the photographs placed on the learned Trial Court records, pointing that it was a pure consensual relationship which has gone sour.

Learned counsel for the complainant as well as the learned State counsel, on instructions from ASI Babita, Police Station Women, Rewari, though do not displace the facts that has been canvassed before this Court by learned counsel for the petitioner but have sought to oppose the grant of bail on the ground that the trial is underway and that during the course of the same, another FIR has come about against the petitioner for having threatened the complainant.

Appreciating the submissions of the two sides and the photographs on the records of the learned Trial Court that the own stand of the prosecutrix that she was major and they were in intimate relationship for a long period of time and she had kept mum throughout the period of her defilement, the complainant has already been examined in the learned Trial

Court.

In light of the same, without feeling necessity to comment on the merits of the case, else it might prejudice the parties at Trial Court, thus, culpability, if any, shall be determined at the trial, this Court is of the opinion that it would serve no useful purpose to further detain the petitioner in custody. Accordingly, he is ordered to be released on regular bail to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate/Illaq Magistrate of the Court concerned.

The petition stands disposed off accordingly.

**22.05.2019**  
*Neha*

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

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No