

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

CRM-M No.14279 of 2019
Date of decision: 5th April, 2019

Nikhil Raina

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Manoj Kumar, Advocate for the petitioner.

Mr. Amrik Narwal, Dy. Advocate General, Haryana
for the respondent/State.

FATEH DEEP SINGH, J.

The accused petitioner Nikhil Raina who is in judicial custody, has preferred this first regular bail application under Section 439 Cr.P.C. in case bearing FIR No.06 dated 11.01.2019 under Sections 376, 506 IPC pertaining to Police Station Sector 14, Panchkula.

The present case was got registered by a married lady aged around 36 years. It is alleged that she along with her family consisting of her husband and a minor son were residing in Zirakpur on rent. In October 2017, the accused petitioner had come to their house for installation of gas pipe and thereafter, used to often visit their house for repairing or other work. It is alleged that in March 2018 the accused came to the house of the prosecutrix on the pretext of checking meter and finding her alone defiled her. It is further alleged that this process

continued in October 2018 and thereafter on 10.01.2019 and in-between they were conversing with each other on mobile phone. Ultimately, the complainant reported the matter to her husband leading to registration of the present case.

Learned counsel for the petitioner submits that the petitioner is an Electrical Engineering graduate from PEC University of Technology, Chandigarh and is working with Indian Oil – Adani Gas Private Limited and that during his service the petitioner had come into contact with the prosecutrix and the latter has enticed him into this relationship and they have exchanged numerous phone calls, and has placed on record voluminous call records, arguing that the complainant is a grown up lady and had volunteered into this relationship and now on relations going sour has lodged a false case.

Learned State counsel Mr. Amrik Narwal, Dy. Advocate General, Haryana on instructions from ASI Ram Singh has sought to project that the accused petitioner had got entrapped the gullible prosecutrix and on blackmailing her had defiled her repeatedly and if released on bail he would stifle the trial and there is every likelihood that he might abscond from law.

Going through the submissions, admittedly the prosecutrix is a mature grown up lady of 36 years with a family including a child. The own allegations of the complainant that from year 2017 to 2019 when the present case was got registered, the accused had been repeatedly defiling

her. The inter-se mobile conversation including the call details placed on the record are illustrative of the fact. Thus, a debatable issue arises over the very applicability of offences under Sections 376 and 506 IPC which can only be determined at the time of trial. More so, the petitioner has already undergone sufficient incarceration. However, keeping in view the apprehension of the State that the petitioner might abscond, it would be in the fitness of things if he is ordered to be released on regular bail subject to furnishing of personal bonds for an amount of Rs.1.00 lac with two sureties each of the like amount to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Panchkula. However, it is made clear that anything observed herein shall not be construed as an expression on the merits of the case.

The petition stands disposed off accordingly.

(FATEH DEEP SINGH)
JUDGE

April 5, 2019
rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No