

CRM-M-16952-2019

Date of Decision : 10.07.2019

Vineet Singh Hooda

.....Petitioner

versus

State of Haryana

....Respondent

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

This order shall dispose off first anticipatory bail application filed by petitioner-Vineet Singh Hooda under Section 438 Cr.P.C in a case bearing FIR No.159 dated 21.03.2019 filed under Section 376 of the Indian Penal Code registered at Police Station DLF Sector 29, Gurugram Haryana.

The allegations have been levelled by the complainant, an unmarried lady, aged around 28 years, alleging that she was a resident of Jaipur and had come in contact with the petitioner on 22.11.2018 and they had been regularly communicating with each other. It is alleged that on such occasion, they have agreed to meet at a wedding reception in Delhi and

from where, it is alleged that the petitioner on 02.03.2019 is alleged to have taken her in a hotel in Gurugram where she was defiled against her wishes leading to filing of the present complaint on 20.03.2019 and hence, the case in question.

Learned senior counsel assisted by Mr. Kunal Dawar, Advocate for the petitioner has argued that the prosecutrix happens to be a grown up and mature lady and had been in this relationship for almost more than one year and as per the investigations, it was the complainant, who had booked the hotel room in Gurugram by using the identity card of her sister and there is no medical evidence to substantiate her allegations. He further argued that nothing is to be recovered, at this juncture, from the petitioner who happens to be an Army Officer.

The learned State counsel, on instructions from ASI Vivek Kumar, Police Station DLF, Sector 29, Gurugram, though has accepted the facts that have been canvassed at the bar by learned counsel for the petitioner but has stoutly opposed the grant of bail on the ground of seriousness of the allegations.

Going through the submissions, admittedly, the complainant happens to be a mature and grown up lady, aged around 28 years. The lack of any medical evidence, as has been conceded at the bar by the learned State counsel, on account of refusal of the victim to get herself medically examined and the delay that has come about in reporting the matter to the police and the accepted stand of the learned State counsel that the investigations reveals that the room was booked by the complainant,

are matters, which have a bearing on the outcome of the present case. The petitioner happens to be an Army Officer and is not likely to be abscond and his joining the investigations would suffice the purpose.

In light of this arrangement, the present petition is allowed. Petitioner-Vineet Singh Hooda would appear before the Investigating Officer within 15 days from today and shall fully cooperate in the investigations. On his doing so, the petitioner shall be released on interim bail to the satisfaction of arresting/investigating officer till submission of report under section 173 Cr.P.C. (challan). He shall also abide by the conditions specified under section 438 (2) Cr.P.C. Thereafter, on presentation of challan, petitioner will be permitted to furnish regular bail bonds to the satisfaction of the trial Court.

Disposed off.

10.07.2019

Neha

**(FATEH DEEP SINGH)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No