

208.

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-24601-2019

Date of decision:31.05.2019

VIRKAM @ BITTU

... Petitioner

versus

STATE OF HARYANA

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Madan Sandhu and Mr. Sandeep Kaushik, Advocates,
for the petitioner.

Ms. Priyanka Sadar, AAG, Haryana.

HARI PAL VERMA, J.(Oral)

Prayer in the present petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.114 dated 13.03.2019 registered under Sections 328/354/376/506/120-B of IPC at Police Station Rai, District Sonapat.

Counsel for the petitioner states that the aforesaid FIR was registered on 13.03.2019 whereas the alleged incident attracting the offence under Section 376 IPC took place on 10.03.2017, when the petitioner allegedly abducted the victim, made her unconscious by sniffing intoxicant, took her to a place and raped her. He also videographed and blackmailed her. It has been further alleged that the petitioner made forcible sexual relations with the prosecutrix for 6 days and thereafter, left her home and threatened to kill her if she disclose it to anyone.

The second incident as referred in the FIR is of 12.03.2019

wherein the petitioner had asked the prosecutrix to accompany him and on

her refusal, he pressed her breast and threatened her to circulate the video. He has further argued that there is a history of FIRs and counter FIRs between the parties, due to which the petitioner has been falsely implicated. There is no medical evidence to substantiate the allegation of rape. The petitioner is in custody since 30.03.2019 and trial is not likely to be concluded in the near future.

Learned State counsel has argued that the incident dated 10.03.2017 was not made public by the prosecutrix in order to maintain her dignity in the society. The offence is serious and the petitioner does not deserve the concession of bail.

I have heard learned counsel for the parties.

Admittedly, the occurrence attracting Section 376 IPC is of 10.03.2017. The other occurrence is of 12.03.2019 which attracts the offence under Section 354 IPC. The FIR for the offence which took place on 10.03.2017 was registered on 13.03.2019. There is no medical evidence in support of commission of offence. Thus culpability of the petitioner is yet to be established during the course of trial. The petitioner is in custody since 30.03.2019 and the trial in the case will take sufficient long time. Therefore, this Court deems it appropriate to admit the petitioner on bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of trial Court.

It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

The observations made hereinabove shall not be construed as an expression on the merits of the case and the trial court shall decide the case on the basis of available material.

(HARI PAL VERMA)
JUDGE

31.05.2019
sanjeev

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