

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

CRM-M No.28373 of 2019
Date of decision: 12th July, 2019

Rajender Singh

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Ashok Arora, Advocate for the petitioner.

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

FATEH DEEP SINGH, J.

Petitioner Rajender Singh, who is in custody since 14.01.2019 in this second application has sought regular bail under Section 439 Cr.P.C. in case bearing FIR No.5 dated 09.01.2019 under Section 376 IPC pertaining to Police Station Women Manesar, District Gurugram which was got registered by a married woman aged around 38 years with two kids, alleging that few months prior to registration of this FIR, she while going in a bus came across the petitioner and who on the pretext of providing her a job called her to Bhiwadi (Rajasthan). On 27.07.2018 the complainant alleges that on the asking of the accused, she went to Bhiwadi and accompanied him in his car to Gurugram where the lady was physically abused and on similar pretext on 4-5 occasions she

was ravaged by the accused and lastly was defiled three months prior to 09.01.2019 leading to registration of the present case.

Learned counsel for the petitioner Mr. Ashok Arora, Advocate inter alia contends that the petitioner is behind bars for more than six months and that the complainant who is a grown up mature lady, had herself submitted to the physical needs of the petitioner on a number of occasions, and therefore, had consented to this arrangement and a false case has been got registered and there is nothing to support the case of the petitioner by medical means.

On behalf of the State, Mr. Amrik Narwal, Dy. Advocate General, Haryana on instructions from SI (Ms.) Meena, Police Station Women, Manesar, District Gurugram has strongly opposed the grant of bail on the grounds that accused had been instrumental in cheating the complainant on the false ground of giving her a job and has defiled her and in view of the allegations the petitioner is not entitled to any relief.

A perusal of the record in detail shows that there is no medical evidence to corroborate the allegations and even the medico legal examination had come after three months of the last occurrence. The complainant happens to be a grown up mature married lady and repeatedly had been visiting the accused at various places entering into physical relations and thus, the very applicability of the offence of rape is subject to judicial adjudication at the trial. In view thereof and the fact that the trial will take a long time to conclude, this Court is of the opinion

that no useful purpose will be served by keeping the petitioner in custody in the present case. Accordingly, he is ordered to be released on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Gurugram. 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

July 12, 2019
rps

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