

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-36065-2019

Date of decision : 04.09.2019

Ankur

.... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Abhishek Sindhwani, Advocate
for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

GURVINDER SINGH GILL, J (ORAL)

1. The petitioner has approached this Court seeking grant of regular bail in a case registered against him vide FIR No.68 dated 10.06.2019 under Sections 376(2)(N)/506/354C/201 IPC, 1860 and Section 67A of IT Act 2008, registered at Police Station Women, Jind.

2. The FIR was registered at the instance of Jyoti aged about 27 years wherein it has been alleged that about one year back, she had received a telephonic call from an unknown number, who disclosed his name as Ankur and held out a representation that he will arrange a government job for her. It is alleged that she got acquainted with the aforesaid Ankur and few days thereafter they started having illicit physical relations and the said Ankur also took her photographs and videos, but despite the same, he did not getting government job for her and threatened that in case she disclosed about the same, he would make the said photographs and videos viral.

3. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and even as per the FIR and also as per the statement of the prosecutrix recorded in terms of Section 164 Cr.P.C., it is a case of consensual physical relations between the parties. Learned counsel for the petitioner has drawn attention to this Court, a copy of statement of the prosecutrix recorded under Section 164 Cr.P.C., the relevant extract of which reads as follows:-

“Then I had an affair with him. We even had intimate relations at Madhur Hotel but later after three months I stopped talking to him”.

4. Opposing the petition, the learned State counsel has submitted that since the petitioner had exploited the prosecutrix by holding out representation of getting a government job for her and had established physical relation, no case for grant of bail is made out. It has, however, been informed that investigation is complete and challan has already been presented and in fact charges have also been framed.

5. Having regard to the facts and circumstances of the case and while bearing in mind the fact that the complainant is a matured lady aged about 27 years and there were some physical relations between the complainant and the accused for a fairly long time, it would certainly be debatable as to whether the said physical relations would amount to rape or consensual physical relations. In any case, since investigation has already been concluded, further detention of the petitioner would not serve any useful purpose. The petition, as such, is accepted and the

petitioner-Ankur is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

6. The present petition stands accepted accordingly.

(GURVINDER SINGH GILL)
JUDGE

04.09.2019

Dinesh

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No