

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

CRM-M-36356-2019

Date of decision:5.9.2019

VIJAY MOR

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. Vishal Nehra, Advocate
for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

GURVINDER SINGH GILL, J. (ORAL)

1. The petitioner seeks grant of regular bail in case registered vide FIR No.73 dated 9.3.2019 under Sections 354-A, 376, 3749-B, 506, 511 IPC and Section 25 of Arms Act, registered at Police Station Civil Line, Sonipat, District Sonipat.
2. The FIR was registered at the instance of the complainant Monika wherein it has been alleged that on 8.3.2019, she had hired a taxi from Delhi Airport in order to go to Rohtak. After having driven for half an hour when they reached near Piragarhi turn, the driver of the vehicle turned the vehicle towards Karnal bypass to Sonipat side upon which the complainant asked the driver as to where he was taking the car. The

driver replied that he was going to Rohtak through a short cut. It is further alleged that the driver however with his bad intention started outraging her modesty and also attempted to commit rape upon her. When the complainant tried to save herself by opening the window, the driver stopped the vehicle and while brandishing a revolver and by pointing the same at the complainant threatened the complainant not to raise alarm failing which she would be killed and also pressurized her for marrying her. When the complainant managed to come out of the car, the aforesaid driver scuffled with her and in the meanwhile some passerby saved the complainant.

3. The learned counsel for the petitioner has submitted that he has falsely been implicated in the present case due to some misunderstanding and that in fact during the course of trial the complainant has been examined and has not supported the case of prosecution at all and has categorically stated that FIR came to be lodged under some misunderstanding as the accused was not driving his car properly.
4. Opposing the petition, learned State counsel has stated that since specific allegations are levelled in the FIR, the involvement of the petitioner is apparent and no case for grant of bail is made out.
5. I have considered rival contentions addressed before this Court and also perused copy of statement of the prosecutrix, as per which she has given clean chit to the petitioner. Under these circumstances when the statement of the prosecutrix has already been recorded and she has given clean chit to the petitioner, further detention of the of the petitioner would not serve any purpose. The petition, as such, is accepted and it is ordered

that petitioner be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

6. It is, however, clarified that none of the observations made above shall be construed to be an expression on merits of the main case.

5.9.2019
Gaurav Sorot

(GURVINDER SINGH GILL)
JUDGE

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No