

CRM-M-37043-2019

Date of Decision : 25.11.2019

Sunil

.....Petitioner

versus

State of Haryana

....Respondent

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

The petitioner-Sunil, who is in custody in a case bearing FIR No.62 dated 05.08.2018 under Sections 376, 384, 506 and 102-B of the Indian Penal Code and Section 67 of the I.T. Act, 2000 registered at Police Station Women Cell Palwal, Haryana, has sought first regular bail under Section 439 Cr.P.C.

The allegations against the petitioner have come about from a married and deserted lady with a kid, aged around 33 years. It is alleged that while she was working in a company along with one,

Sunil Rawat and brother of the accused/petitioner, namely, Ravi Rawat, defiled her on 17.12.2016 and also clicked her photographs in a compromising state. Petitioner raped her on the asking of his brother, Ravi Rawat. It is, thereafter, the allegations have come about that Ravi Rawat threatened the complainant and her child with dire consequences and have been fleecing her leading to the registration of the present case.

Learned counsel for the petitioner *inter alia* contends that petitioner is behind the bars for almost more than 07 months and that the FIR has been lodged belatedly after almost two years and that the allegations on the face of it are unacceptable.

The learned State counsel, on instructions from ASI Surinder Singh, concedes the facts that have been canvassed by learned counsel for the petitioner but has stoutly opposed the grant of bail on the ground that, if allowed bail, there is every likelihood that petitioner would influence the trial.

Going through the submissions admittedly, the complainant is a grown up married lady and the alleged occurrence has taken place on 17.12.2016, whereas, the FIR has come about on 05.08.2018 and as has been conceded by the learned State counsel that there is no medical evidence to corroborate the allegations of rape.

Appreciating the submissions of the two sides, the

petitioner is behind the bars for more than 07 months, thus, culpability, if any, shall be determined at the trial, this Court is of the opinion that it would serve no useful purpose to further detain the petitioner in custody. Accordingly, he is ordered to be released on regular bail to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate/Ilalaqa Magistrate of the Court concerned.

The petition stands disposed off accordingly.

25.11.2019
Neha

(FATEH DEEP SINGH)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No