

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

CRM-M No.39780 of 2019

Date of decision: 14th November, 2019

Gajender

... Petitioner

Versus

State of Haryana & another

... Respondents

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Ms. Shaveta Sanghi, Advocate for the petitioner.

Mr. Baljinder S. Virk, Dy. Advocate General, Haryana
for respondent No.1/State.

Respondent No.2 in person along with
Mr. Ashish Yadav, Advocate.

FATEH DEEP SINGH, J. (ORAL)

Allegations against the petitioner Gajender in this first regular bail application under Section 439 Cr.P.C. in case bearing FIR No.0013 dated 26.02.2019 under Sections 376, 506 IPC pertaining to Women Police Station Rewari have been levelled by complainant, a married woman aged around 45 years. It is alleged that the petitioner was on visiting terms at the house of the complainant and on 29.02.2018 around 12:00 noon when the complainant was alone the petitioner came to her house and defiled her against her wishes and also clicked obscene photographs and prepared video of the episode and thereafter started threatening and blackmailing the complainant and on that pretext

continued to make physical relations with her, leading to registration of the present case.

Learned counsel for the petitioner Ms. Shaveta Sanghi, Advocate inter alia contends that the complainant is a mature married lady and was in a relationship with the petitioner for a long time and that the petitioner has been made a scapegoat only as the complainant is already in litigation with her husband over a matrimonial dispute and that the petitioner is behind bars since 03.09.2019.

On behalf of the State, Mr. Baljinder S. Virk, Dy. Advocate General, Haryana, though has not disputed the facts brought before this Court but has vehemently opposed the grant of bail on the grounds of seriousness of allegations.

During the course of interaction, the complainant who has come present before this Court and has been identified by her counsel Mr. Ashish Yadav, Advocate, has made statement that she does not object to the grant of bail to the petitioner as they have settled the dispute with each other, and has also filed her duly sworn attested affidavit to that effect.

Appreciating the arguments of the two sides, the petitioner is in custody. The complainant has filed her duly sworn attested affidavit to the effect that she does not have any objection if bail is granted to the petitioner. 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, Rewari. 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

November 14, 2019

rps

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No