

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-40671-2019 (O&M)
Date of Decision:- 27.9.2019

Deepak

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Rajesh Goyal, Advocate, for the petitioner.

Mr. Ashok Singh Choudhary, Addl. A.G. Haryana.

GURVINDER SINGH GILL, J.

1. Petitioner-Deepak, seeks grant of regular bail in a case registered vide FIR No.822, dated 25.12.2018, registered at Police Station Samalkha, Panipat, under Sections 323, 376, 506 IPC.
2. The FIR was registered at the instance of Reena wherein it has been alleged that she is running a beauty parlor. Deepak had somehow obtained her mobile phone number and started talking to her on telephone and also started making purchases from the complainant's shop, where he frequently used to come and sit in the shop. It is alleged that in the month of May, 2017, Deepak gave some cold drink

to the complainant in her shop and upon consuming the same she became unconscious. Some days thereafter said Deepak showed some objectionable videos to the complainant and upon seeing the same the complainant was astonished and become scared. Deepak while threatening her to make the said videos viral, forced the complainant to have physical relations with him and raped her in her shop. However, the complainant due to fear did not disclose about the same to anybody. It is alleged that later said Deepak committed wrong upon her at Baba Hotel, Panipat and also prepared objectionable videos and photographs and forwarded the same to the complainant on her mobile phone to instill fear in her mind. It is alleged that on 26.11.2018, when the complainant was returning back home, then accused Deepak along with Kirshan and some other persons came up to her and asked her to accompany them to Haridwar and when complainant objected then Deepak tore her shirt from her chest. They also started removing her *salvar* and gave beatings to her.

3. The learned counsel for petitioner has submitted that he has falsely been implicated in the present case and that it is a case where the complainant, who is aged about 40 years had established physical relations with the petitioner voluntarily and later lodged the present FIR in order to extort money from him. Learned counsel has further submitted that in any case the trial has already commenced and statement of complainant has already been examined and that in these

circumstances the petitioner, who has been behind bars since the last about 9 months, deserves the concession of bail.

4. Opposing the petition, the learned State counsel has submitted that since the petitioner is specifically named in the FIR and specific allegations have been levelled against him, no case for grant of bail is made out.
5. I have considered rival submissions addressed before this Court. Without making any expression as regards the merits of the case and while bearing in mind that charges have already been framed and the complainant already stands examined, further detention of the petitioner will not serve any useful purpose especially since he has already been behind bars since the last about 9 months. The petition, as such, is accepted and petitioner-Deepak be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

September 27, 2019

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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No