

215.

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

CRM-M-44409-2019

Date of decision: 28.11.2019

SUNIL

... Petitioner

versus

STATE OF HARYANA

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Deepak Aggarwal, Advocate,
for the petitioner.

Ms. Gaganpreet Kaur, AAG, Haryana.

HARI PAL VERMA, J. (Oral)

Prayer in the present petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.137 dated 15.03.2019 registered under Sections 376/506 of IPC and Sections 66E, 67A of IT Act, 2000 at Police Station Samalkha, District Panipat.

The allegation against the petitioner is that before marriage of the prosecutrix, the petitioner has come to her house, mixed some intoxicant substance in her tea and raped her. The prosecutrix solemnized marriage on 24.11.2017 with Amit Kumar. Whenever no body used to remain at house, the petitioner used to come and sexually exploit her. The husband of the prosecutrix tried to make him understand that he should not spoil the matrimonial life of the prosecutrix, but the petitioner did not mend himself. After marriage, the petitioner after calling the prosecutrix at his house, sexually exploited her and clicked her video on 06.12.2017. He used to

blackmail and threaten the prosecutrix to viral the video.

Counsel for the petitioner has argued that the petitioner is in custody since 15.03.2019. The petitioner and the prosecutrix were in relationship, to which, there is enough material, which used to be exchanged between them. He states that the alleged incident has taken place on 06.12.2017, but the FIR in the case was registered on 15.03.2019. There is inordinate delay in lodging the FIR. Moreover, the prosecutrix in the case has already been examined and out of 17 witnesses cited by the prosecution, only 4 witnesses have been examined. The case is now fixed for remaining prosecution witnesses on 05.12.2019 and in this manner, trial will take sufficient long time.

At this stage, Mr. Saurabh Sharma, Advocate, has put in appearance on behalf of the complainant and filed his power of attorney, which is taken on record. He has argued that under the threat of videography, the petitioner had exploited the prosecutrix in one manner or the other.

Learned State counsel states that videography in the case was recovered. The allegations against the petitioner are serious and in case he is admitted on bail, he may influence the remaining witnesses.

I have heard learned counsel for the parties.

Petitioner is in custody since 15.03.2019. The alleged incident when the petitioner prepared the videography, is of 06.12.2017, whereas the present FIR has been registered on 15.03.2019. The prosecutrix has been examined in the case and, therefore, the possibility of influencing the witnesses is very remote, but considering the fact that before marriage, there

was close intimacy between the prosecutrix and the petitioner and noticing the fact that trial is not likely to be concluded in the near future, this Court deems it appropriate to admit the petitioner on bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of trial Court.

It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

The observations made hereinabove shall not be construed as an expression on the merits of the case and the trial court shall decide the case on the basis of available material.

(HARI PAL VERMA)
JUDGE

28.11.2019

sanjeev

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No