

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

**CRM-M No.45801 of 2019
Date of decision : October 31, 2019**

Vikas Garg

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. R.S. Cheema, Sr. Advocate with
Mr. R.K. Trikha, Advocate for the petitioner.

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

GURVINDER SINGH GILL J. (ORAL)

1. Petitioner-Vikas Garg, seeks grant of regular bail in a case registered vide FIR No.125, dated 13.06.2019, registered at Police Station Women, District Panipat, under Sections 376(2)(n) and 506 IPC.
2. The FIR was registered at the instance of the prosecutrix wherein it has been alleged that she got acquainted with the petitioner Vikas Garg in January 2010 and thereafter they started conversing with each other through mobile phone. It is alleged that in the year 2014 when said Vikas Garg got placement as a Medical Representative, he started alluring her and stated that he was very much harassed by his wife and wanted to divorce her and also proposed to the prosecutrix that after divorcing his wife, he would solemnize marriage with the prosecutrix. It is alleged that the complainant being taken in by the said representations befriended the petitioner, who also started establishing physical relations with the complainant and used to take her to hotels for the said purpose. It is alleged that although the said relationship continued for 8-9 years but the petitioner did not get the marriage solemnized. However later he took her to Balaji Mehndipur in the year 2018 where a '*phera*' ceremony was

conducted and the petitioner garlanded her while telling her that he takes the prosecutrix as his wife. It is further alleged that in the year 2019, the petitioner's wife started threatening the complainant, who lodged FIR against the prosecutrix in which the prosecutrix was also arrested. It is alleged that the petitioner while holding out false representations of marriage had allured the prosecutrix and had been committing rape upon her and later in connivance with his wife had got the prosecutrix arrested.

3. Learned counsel for the petitioner has submitted that even as per allegations levelled in the FIR, it is evident that the prosecutrix is a matured lady and had been having consensual physical relations with the petitioner for about 10 years but subsequently, when there was some misunderstanding, she turned around and lodged the present FIR.
4. Learned counsel for the petitioner has also drawn the attention of this Court to various photographs (Annexure P-8 colly) which are stated to be part of the compact disk which had been produced by the prosecutrix herself.
5. Learned counsel for the petitioner has further submitted that the conduct of the petitioner would also be evident from the fact that she made complaint against her brother-in-law and sister wherein she levelled allegations of rape against her brother-in-law as well as against her brother.
6. Opposing the petition, learned State counsel has submitted that since specific and categoric allegations have been levelled in the FIR and in fact during the course of recording of statement under Section 164 Cr.P.C., the prosecutrix has reiterated the allegations, no case for grant of bail is made out. It has, however, been informed that the investigation is complete and challan has already been

filed, although the charges are yet to be framed.

7. I have considered rival submissions addressed before this Court. Bearing in mind the allegations as levelled in the FIR and also the photographs annexed with the petition, it will certainly be debatable that as to whether it is a case of consensual physical relations between the parties or as to whether any deception was used by the petitioner.
8. Keeping in view the fact that the prosecutrix is a matured lady aged about 35 years and was in relationship for about 10 years with the petitioner and the fact that challan already stands presented and that conclusion of the trial will take time as charges have not been framed yet, further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and petitioner-Vikas Garg is ordered to 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.

(GURVINDER SINGH GILL)
JUDGE

October 31, 2019

sarita

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No