

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

CRM-M-47687-2019 (O&M)
Date of Decision:-22.11.2019

Mujahid ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Ms. Monik Jangra, Advocate for
Mr. Nirmal Singh, Advocate for the petitioner.

Ms. Aditi Girdhar, Assistant Advocate General, Haryana

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.333 dated 21.6.2019 at Police Station Tauru, District Nuh under Sections 376 and 342 of Indian Penal Code.
2. Mr. Sanawar Ali, Advocate has today put in appearance on behalf of the complainant and has filed *Vakalatnama*, which is taken on record.
3. The FIR was lodged at the instance of the prosecutrix, wherein it has been alleged that she lives with her husband outside the village and that the accused has a tailoring shop in Janta Market in Tawru. It is alleged that the accused owed some money to the complainant's husband and when the

complainant demanded the same, then the accused called her on 15.6.2019 and took her to his shop and committed rape upon her and also held her captive and gave beatings to her. It is alleged that the accused even committed rape on the next day and threatened that in case the complainant disclosed about the incident to anybody, he would make her photographs and video 'viral'.

4. The learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and that infact the petitioner is related to the prosecutrix being her brother-in-law and has been falsely implicated on account of some monetary transaction, which is also evident from perusal of the FIR.
5. Opposing the petition, the learned State counsel assisted by the learned counsel for the complainant, has submitted that since specific allegations have been levelled in the FIR, no case for grant of bail is made out.
6. I have considered rival submissions addressed before this Court.
7. A perusal of the FIR does indicate that the petitioner owed some money to the complainant's husband.
8. The learned counsel for the complainant has also not disputed that the petitioner as well as the complainant are relatives.
9. Having regard to the facts and circumstances of the case and without making any expression as regards merits of the case, this Court is of the opinion that the present case is not such where custodial interrogation is warranted. The petition, as such, is accepted and it is ordered that the petitioner, in the event of arrest, be released on bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However,

the petitioner shall join the investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

22.11.2019

pankaj

(Gurvinder Singh Gill)
Judge

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