

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

CRM-M-49822-2019

Date of decision: 28.11.2019

GAURAV

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. Pratham Sethi, Advocate
for the petitioner.

Ms. Aditi Girdhar, AAG, Haryana.

GURVINDER SINGH GILL, J. (ORAL)

1. The petitioner seeks grant of regular bail in case registered vide FIR No.47 dated 12.6.2019 under Sections 354-A(1)(i), 365, 376(1), 506 IPC at Women Police Station, District Fatehabad.
2. The FIR was lodged at the instance of victim wherein it has been alleged that she is studying in 12th Standard and that the petitioner used to tease her while she was commuting to school. It is alleged that on 6.6.2019, while she was going to her house then Gaurav came on motorcycle and while intimidating her forced her to sit along with him on his motorcycle and took her to his office where he committed rape upon her. It is alleged that after committing rape, he dropped her in the street and went away.
3. Learned counsel for the petitioner has submitted that the petitioner has been falsely been implicated in the present case and that the victim and the petitioner were known to each other and were in some kind of

relationship and they also used to exchange WhatsApp messages and subsequently when there were some differences amongst them, the present FIR came to be lodged which in fact had been lodged at the instance of victim's father.

4. Opposing the petition, learned State counsel has submitted that since the petitioner is specifically named in the FIR and victim in her statement recorded under Section 164 Cr.P.C. had reiterated the allegations and had further clarified that she was forced to sit on the motorcycle as he was brandishing knife, no case for grant of regular bail is made out.
5. I have considered rival contentions addressed before this Court and have also perused copies of the letters and WhatsApp conversation annexed with the petition Annexures P-8 and P-9) and while refraining from making any expression as regards the relationship between the victim and the petitioner, lest it may effect merits of the case and while keeping in view the fact that challan has already been presented, further detention of the petitioner would not serve any useful purpose as conclusion of trial, in its normal course, is likely to take some time. The petition, as such, is accepted and it is ordered that petitioner be released on 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

28.11.2019
Gaurav Sorot

Whether reasoned / speaking? **Yes / No**

Whether reportable? **Yes / No**