

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

CRM-M-52794-2019 (O&M)
Date of Decision:- 17.12.2019

Karambir Dagar

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Manan Bhardwaj, Advocate, for the petitioner.

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

GURVINDER SINGH GILL, J. (Oral)

1. Petitioner-Karambir Dagar has approached this Court seeking grant of regular bail in a case registered vide FIR No.68, dated 19.5.2019, registered at Police Station Women NIT, Faridabad, District Faridabad, under Sections 323, 328/34 and 376 IPC (subsequently Section 3/33/89 of SC/ST Act added).
2. The FIR was lodged at the instance of the prosecutrix wherein it has been alleged that on 18.5.2019, she received a telephone call from

Karambir Dagar who asked her to meet him at CNG Pump. When the prosecutrix went to meet him, the accused is alleged to have served her beer in which something was mixed. It is further stated therein that she was made to sit in Scorpio vehicle and was driven for about 2-3 hours and was later taken to a hotel of Haryana Tourism Corporation Limited, Badkal Lake, to room No.107 where she was raped by him. It is further alleged that subsequently she was taken to farm house of the petitioner where his wife and 4-5 other persons were also present who gave beatings to the prosecutrix and also issued threats to her.

3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that the prosecutrix admittedly is a married lady aged 35 years and had voluntarily accompanied the petitioner. Learned counsel has further referred to the statement of Subhash, Manager, Greyfalk Hotel, Haryana Tourism, Badkal Lake, NIT Faridabad (Annexure P-3) wherein he has stated that room No.107 was booked in the name of the prosecutrix who had come there along with his friend Karambir Dagar and that the prosecutrix had also furnished her Aadhaar Card at the time of booking. Learned counsel has further submitted that it is a case where the prosecutrix apparently had consensual physical relations with the petitioner but subsequently the present FIR came to be lodged in order to blackmail him.
4. The learned State while opposing the petition has submitted that since specific and categoric allegations have been levelled against the

petitioner which stand substantiated from the report of FSL which indicates presence of spermatozoa, 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 merits of the case and while bearing in mind it is a case where the prosecutrix is a matured lady and the hotel in question is stated to have been booked in the name of the prosecutrix and that challan already stands presented, further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and petitioner-Karambir Dagar 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.

December 17, 2019

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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No