

In the High Court of Punjab and Haryana at Chandigarh

(Proceedings conducted through Video Conference)

CRM-M No. 8463 of 2020

Date of Decision: 9.9.2020

Anil Verma

---Petitioner

versus

State of Haryana

---Respondent

Coram: Hon'ble Mrs. Justice Rekha Mittal

**Present: Mr. Kamal Chaudhary, Advocate
for the petitioner**

Mr. Kuldeep Tewari, Addl. A.G., Haryana

Rekha Mittal, J.

The petitioner prays for grant of regular bail in FIR No.458 dated 18.12.2019 registered in Police Station, Saran, District Faridabad for offence punishable under Sections 376 and 506 of the Indian Penal Code, 1860 (in short "IPC"), pending trial.

Counsel for the petitioner would argue that prosecutrix is 44 years married lady and has two children out of her wedlock with Rakesh Kumar. It is further argued that physical relationship developed between the petitioner and the prosecutrix and same was consensual but she later lodged a false FIR for the reasons best known. It is further argued that in the year 2017, the petitioner booked two tickets, one for himself and other for the prosecutrix and both of them travelled together from Delhi to Goa on 11.4.2017 and from Goa to Delhi on 13.4.2017 via Spice Jet Air Line, in view of the documents available at pages 11 and 12 of the paper book. The last submission made by counsel is that petitioner is ready to face trial when otherwise conclusion of trial is likely to take its own time.

Counsel representing State of Haryana would inform that during investigation of the case, it has come to light that prosecutrix and the petitioner stayed together in Badkhal Hotel on 3.5.2019 and 21.8.2019 but there is no entry with regard to their stay in the said hotel on 1.4.2019, as has been stated by the prosecutrix in the FIR. It is further argued that as the petitioner has been exploiting the prosecutrix under duress of killing her children or showing obscene pictures of their relationship to her husband, he does not deserve to be released on bail.

On perusal of allegations raised in the FIR, it would a moot point during trial if physical relationship between the prosecutrix and the petitioner was consensual or otherwise. The prosecutrix is a married lady aged 44 years. As per allegations in the FIR, she received a telephonic call from the petitioner and he (petitioner) called her to 4 number and committed sexual assault on several occasions.

Without meaning to express any opinion on merits of the controversy, bail to the petitioner subject to his furnishing bail bonds to the satisfaction of trial court/ Additional Sessions Judge (on duty), Faridabad. However, he shall abide by the following conditions:-

- (i) He shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer; and
- (ii) He shall not leave India without previous permission of the Court.

Disposed of.

(Rekha Mittal)
Judge

9.9.2020

PARAMJIT Whether speaking/reasoned : Yes
Whether reportable : Yes/No