

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

CRM-M No.13469 of 2020 (O&M)

Date of Decision : 16.07.2020

Hazar Khan

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present : Mr. Saleem Ahmed, Advocate
for the Petitioner.

Mr. Vishal Malik, Dy. Advocate General, Haryana
for the Respondent/State.

SUDIP AHLUWALIA, J. (ORAL)

CRM No.11760 of 2020

Allowed as prayed for.

CRM-M No.13469 of 2020

The instant Petition has been filed under Section 439 of the Code of Criminal Procedure seeking Regular Bail in case FIR No.70, dated 3rd July, 2019, registered under Sections 193, 195, 195A, 211, 295A, 323, 313, 496, 498A, 384, 377, 506 of the Indian Penal Code, at Police Station Women Manesar, District Gurugram.

2. The Petitioner was arrested on 3rd July, 2019.
3. The Complainant had made out a case of alleged forced version and pressure which resulted in her being compelled to lodge false FIRs against other persons at the instance of the Petitioner, who in any case, was already in judicial custody.

4. On 11th June, this Court had passed the following order :-

“Since, reference has been made to Section 377 of the IPC, it would appear appropriate to verify whether any medical evidence in support of this allegation could be collected. Besides, reference the alleged obscene photographs and/or the mobile phone or other device(s) recovered from the Petitioner to substantiate the story of the complainant having acted under threats of public embarrassment/shame for the purpose of succumbing to the petitioner's illegal demands would also appear to be required.”

5. In response, Reply by way of Affidavit of the Deputy Commissioner of Police, Manesar, Gurugram along with a copy of the Victim's Medical Report (Annexure R-5) has been filed.

6. Perusal of the Medical Report goes to indicate that there is no categorical, but only a speculative conclusion to the effect that, *“As per FSL report, No semen was detected on Anal Swab of victim Ritu therefore possibility of anal intercourse cannot be ruled out”*.

7. Ld. Counsel for the State with reference to rest of the requirement in the previous order, submits that the alleged obscene photographs or any other material to substantiate the story of the Complainant having put under threats of public embarrassment/shame for the purpose of succumbing to the Petitioner's illegal demands could not be collected during investigation.

8. It is, however, submitted that the Petitioner is involved in one other case being FIR No.372 dated 20.09.2018 under registered under Sections 307/506 of the IPC and Sections 25/54/59 of the Arms Act, at

Police Station Tauru, District Mewat.

9. Ld. Counsel for the Petitioner from his side replies that his Client is already on bail in the said case, which is not controverted on behalf of the State.

10. It transpires that by now 05 out of 22 prosecution witnesses have been examined and due to the prevailing Covid-19 Pandemic, the trial is likely to take its own considerable time for completion.

11. In the circumstances, considering the detention already undergone by the present Petitioner and without commenting on the other merits of the case, he is ordered to be released on bail to the satisfaction of the Ld. Trial Court/Duty Magistrate concerned.

12. Disposed off.

July 16, 2020
Dpr

(SUDIP AHLUWALIA)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No