

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 210

CRM-M-14453-2020

Date of decision : 09.09.2020

Ravi Kant

..... Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.Chanakya Pandit, Advocate, for the petitioner.

Mr.Ashok Kumar Sehrawat, DAG, Haryana.

Mr.Mandeep Singh Kundu, Advocate, for the complainant.

DEEPAK SIBAL, J. (ORAL)

Case taken up through video conferencing.

Through the present petition filed under Section 438 Cr.P.C. the petitioner seeks the grant of anticipatory bail in FIR No.158 dated 29.03.2020, registered under Sections 376 and 506 IPC at Police Station Sonipat Sadar, district Sonipat.

Briefly stated, the case of the prosecution is that the complainant, a married lady, alleges rape at the hands of the petitioner for a period of three years.

Learned counsel for the petitioner inter alia contends that the petitioner and the complainant were in consensual relationship but when their relationship turned sour the petitioner has been falsely sought to be embroiled in the present case; the complainant who is a major and a married lady with one child entered into the relationship with the petitioner with open eyes and now after three years cannot be allowed to turn around and allege rape only to blackmail the petitioner; the photographs and messages

exchanged between the petitioner and the complainant clearly show the consensual relationship that they had; there is no other evidence including medical evidence to link the petitioner with the crime and that under the interim order of this Court dated 09.06.2020 the petitioner has joined investigation and has fully cooperated with the investigating agency.

Learned State counsel admits that the petitioner has joined investigation; has fully cooperated with the investigating agency and that his custodial interrogation is not required at this stage.

Learned counsel for the complainant opposes the grant of bail to the petitioner on the ground that the petitioner is sought to be prosecuted for rape and the photographs as also the messages relied upon by the petitioner have been concocted by him.

Keeping in view the totality of the above facts and especially in view of the statement recorded by learned State counsel that under the interim order of this Court the petitioner has joined investigation/cooperated with the investigating agency and that his custodial interrogation is not required, the order of this Court dated 09.06.2020, granting ad interim anticipatory bail to the petitioner is made absolute.

Nothing observed herein-above shall be considered to be an expression of opinion by this Court on the merits of the case.

09.09.2020

shamsher

[DEEPAK SIBAL]

JUDGE

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