

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

**CRM-M-22960-2020
Date of decision: 19.08.2020**

Roshan Lal

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Sunil Garg, Advocate
for the petitioner.

Mr. Sumit Jain, Addl. A.G., Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

This is the second petition that has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 529 dated 28.12.2019, registered under Sections 376, 506 and 201 (added later on) of the IPC at Police Station Ganaur, District Sonipat.

The first petition, bearing CRM-M-11677-2020, was dismissed as withdrawn on 21.07.2020 with liberty to file afresh with better particulars.

Learned counsel for the petitioner submits that as per the allegations in the FIR, prosecutrix 'S' (name withheld) had given a complaint that she is a married woman having three children and the petitioner is doing business of property dealing and was having a bad eye on her for the last two years. On 01.10.2017 at about 11.00 AM, when the prosecutrix was taking bath in her house, the petitioner clicked her nude

photographs and started blackmailing her by showing the said photographs. On such pretext, the petitioner tried to make physical relation with the prosecutrix against her consent at Hari Dhaba, Sukhdev Dhaba and Ahuja Dhaba at Murthal and on 12.09.2019, when she was alone at her home, the petitioner entered into her house and committed rape upon her.

Learned counsel for the petitioner further submits that in fact the petitioner has falsely been implicated in this case as both, the petitioner and the prosecutrix, were having a live-in-relationship and the prosecutrix has even prepared an affidavit in May, 2018, attested by a Notary, in this regard.

Learned counsel further submits that in fact the prosecutrix was extracting huge money from the petitioner and on 24.07.2018, the petitioner deposited Rs. 40,000/- in her account in Gramin Bank at Ganaur and later on, again on two occasions, Rs. 40,000/- was deposited in her account.

Learned counsel further submits that the petitioner is in judicial custody since 28.12.2019; challan stands presented and the petitioner is no more required for any further custodial investigation and in view of the fact that it was case of consensual physical relation, which is stated by the prosecutrix herself in her said affidavit, the petitioner is entitled to get bail.

Learned State counsel has argued that there are allegations against the petitioner that he has committed rape on the prosecutrix and then blackmailed her.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the arguments raised by learned counsel for the parties, the instant petition

is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaqa Magistrate, concerned.

19.08.2020

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No