

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

**CRM-M-23984-2020
Date of decision: 05.10.2020**

Rohit

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Pankaj Bali, Advocate
for the petitioner.

Mr. Deepak Kumar Grewal, DAG, Haryana.

Mr. S. S. Bairagi, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 372 dated 09.06.2020, registered under Sections 328, 376(2)(n) and 506 of the IPC at Police Station Sadar Karnal, District Karnal.

Learned counsel for the petitioner submits that as per the allegations in the FIR, registered at the instance of the prosecutrix (name withheld), it is stated that petitioner Rohit belongs to her village and had studied with her upto 12th Class and since they both were friends, the petitioner also used to come to her house. On her birthday, i.e. 19.09.2018, petitioner came to her house and offered to celebrate her birthday. He offered a cold drink to prosecutrix mixed with some intoxicant and she became unconscious and thereafter, he took her to a hotel and committed rape and started blackmailing her by showing her pornographic video.

Learned counsel for the petitioner further submits that after the arrest of the petitioner, the investigation is complete and *challan* stands presented on 12.06.2020.

Learned counsel further submits that the prosecutrix is an old lady, who, at one point of time, performed marriage with the petitioner and by concealing the said fact, she performed marriage with another person. Learned counsel has relied upon certain photographs (Annexures P-2 and P-5), in which the prosecutrix is seen in a normal mood with the petitioner.

Learned counsel further submits that in the year 2019, the prosecutrix herself started contacting petitioner on the pretext that her husband is not a good man and was giving beatings to her and she made physical relations with the petitioner. It is further submitted that from the year 2018 to 2020, when the FIR was registered, both, petitioner and prosecutrix, were in touch with each other and, therefore, the prosecutrix was a consenting party.

Learned State counsel, on telephonic instructions from the Investigating Officer, assisted by learned counsel for the complainant, has, however, opposes the bail on the ground that a pen drive was recovered from petitioner, in which certain photographs have been seen and the petitioner had started blackmailing the prosecutrix and on that account, she was shunted out from her matrimonial home and she is presently residing in her parental home.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the facts and circumstances of the case as well as looking into the case set up by the petitioner, 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.

However, since the petitioner and the prosecutrix are the residents of the same village, it is made clear that in case the petitioner tries to contact the complainant/prosecutrix or visits even the nearby places of her residence or tries to intimidate her in any manner or influences any witness, it will be open for the prosecution/complainant to move an application for cancellation of the bail.

05.10.2020
Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No