

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

CRM-M-36072-2020

Date of Decision: 10.11.2020

Shanker Lala @ Lala Ram

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Abhilaksh Grover, Advocate, for the petitioner.

Mr. Karan Sharma, AAG, Haryana,
assisted by ASI Munni Devi.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in a case registered vide FIR No.44, dated 28.07.2020 at Women Police Station, Palwal, under Section 376 IPC.
2. The FIR was lodged at the instance of the victim herself, wherein it is alleged that on 08.07.2020, Shankar Lala (petitioner) made the complainant elope with him and took her to a house which he had taken on rent. It is alleged that the petitioner represented that he would keep the victim and her son and while representing in this manner committed rape upon the victim. It is alleged that on the next day the accused left from the home and returned back on 12.07.2020 and when the landlord demanded the rent, he stated that he would give the same on coming Tuesday or Wednesday. The accused thereafter left the victim there and in this manner had played a fraud upon her and committed rape upon her.

3. Learned counsel for the petitioner has submitted that the victim in the present case is a matured lady aged about 30 years and had voluntarily accompanied the petitioner and had apparently established physical relations with him. It has further been submitted that there is delay of about 20 days in lodging the FIR, which would show the falsity of the allegations. It has further been submitted that in any case, the challan has already been presented and as such the petitioner deserves concession of bail.
4. Opposing the petition, learned State counsel has submitted that since the petitioner is specifically named in the FIR, no case for grant of bail is made out.
5. I have considered rival submissions addressed before this Court. Having regard to the facts and circumstances of the case and also the age of the victim, who apparently is a matured lady and had perhaps left her home on her accord so as to live with the petitioner, it would be debatable as to whether it is a case of rape or as to whether it is a case of consensual physical relations. In any case since challan had already been presented, further detention of the petitioner will not serve any useful purpose as the trial in its normal course is likely to take some time for its conclusion. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

10.11.2020

Vimal

(GURVINDER SINGH GILL)
JUDGEWhether speaking/reasoned: **Yes/No**
Whether reportable: **Yes/No**