

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M- 39888 of 2020 (O&M)

Date of decision : 21.12.2020

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Praveen Kotta

.....Petitioner

vs.

State of Haryana

.....Respondent

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. Rahul Deswal, Advocate for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

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H. S. Madaan, J. (Oral)

Case taken up through video conferencing.

This petition under Section 438 Cr.P.C. for grant of pre-arrest bail has been filed by petitioner Praveen Kotta, aged about 42 years son of Satyanarayana Kotta, resident of Flat No. 202, Tower No.17, Vipul Garden, Sector 48, Sohna Road, District Gurugram, an accused in FIR No. 295 dated 14.10.2020, for offences under Sections 376, 506 IPC, registered at Police Station Sector 40, Gurugram.

Briefly stated, the prosecution story is that the criminal machinery in this case was set into motion by prosecutrix (name

withheld to conceal the identity), aged about 20 years, a native of Uttar Pradesh, presently residing at Gurugram, who in the written complaint submitted by her to the police, stated that she came in contact with petitioner -accused Praveen Kotta , who promised to help her in procuring the work of singing and dancing and on that pretext he called her for a meeting in Hotel Green House, Sector 31, Gurugram and by giving threats and beatings to her had forcible sexual intercourse with the prosecutrix. Thereafter, he left the hotel threatening the prosecutrix that if she disclosed the incident to anybody, then he would kill her and he further threatened that he had prepared a video of the whole incident, which he would made viral on social media. The prosecutrix reached home with difficulty. Thereafter she informed the police and got the FIR in question registered.

Apprehending his arrest in this case, accused -petitioner Praveen Kotta, had approached the Court of Sessions at Gurugram, seeking pre-arrest bail. However, his such application, which was assigned to Additional Sessions Judge (Fast Track Court), Gurugram, was dismissed vide order dated 10.11.2020. Feeling aggrieved, he has knocked at the door of this Court, craving for grant of similar relief, which prayer is being opposed by the State counsel.

I have heard learned counsel for the petitioner, learned State counsel, besides going through the record.

The accused is named in the FIR and there are specific allegations of his having committed rape upon the prosecutrix and

further threatening to kill her and making the video of the incident viral on the social media. The seriousness and gravity of the allegations do not warrant grant of discretionary equitable relief of pre-arrest bail to the petitioner, since such relief is meant to save the innocent persons from harassment and inconvenience and not to act as a shield for the culprits, saving them from interrogation by the police. Custodial interrogation of the petitioner which is more elicitation oriented, is required to unfold the complete story, so as to find out, as to how the petitioner planned and executed the criminal acts. In case the custodial interrogation of the petitioner is denied to the Investigating Agency, that shall leave many loop holes and lacuna in the investigation, adversely affecting the same, which is uncalled for.

The prosecutrix is said to have repeated the version given by her to the police in her criminal complaint, while her statement was recorded under Section 164 Cr.P.C. The MLR of the prosecutrix is also said to be corroborating her version.

Thus the present petition lacks merit and is dismissed accordingly.

However, nothing discussed above shall have any bearing on the merits of the case.

21.12.2020
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(H.S. Madaan)
Judge

Whether speaking / reasoned

Yes/ No

Whether reportable

Yes/ No