

105.

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

CRM-M-41649-2019

Date of decision: 03.03.2020

LALIT ARORA

... Petitioner

versus

STATE OF HARYANA

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. R.S. Randhawa, Advocate,
for the petitioner.

Ms. Gaganpreet Kaur, AAG, Haryana.

Mr. Gaurav Singla, Advocate,
for the complainant.

HARI PAL VERMA, J. (Oral)

Prayer in the present petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.104 dated 11.07.2019 registered under Sections 376(2)(N), 377 and 506 of IPC at Women Police Station, Sector 16-A, Faridabad.

The aforesaid FIR was registered on the statement of the prosecutrix wherein she has made allegation against the petitioner for committing rape upon her regularly. The first incident was of 27.06.2017 and she was subjected to rape upto 14.06.2019 regularly. There are allegations of committing unnatural sex as well against the petitioner.

Learned counsel for the petitioner has argued that apart from the fact that the petitioner is in custody since 28.07.2019, the prosecutrix in the case has been examined. The prosecutrix was already married and this fact

was never disclosed by her to the petitioner. Therefore, the allegation that she was subjected to rape on the pretext of marriage is not sustainable. He has further argued that there is a variation in the FIR version as well as in the statement of the prosecutrix recorded under Section 164 Cr.P.C. In the FIR, the allegation is that on 27.06.2017, the prosecutrix was taken in a flat and she was administered something in cold drink and because of this, she got intoxicated, whereas in her statement under Section 164 Cr.P.C., she has stated that it was her birthday on 02.07.2018, the petitioner had mixed something in her cold drink and served to her, which led to her intoxication and taking advantage of her intoxicating stage, the petitioner has established physical relations with her.

Learned counsel for the complainant has argued that the petitioner has taken nude photographs of the prosecutrix and it is on this ground, the petitioner has sexually exploited the prosecutrix.

Learned State counsel does not dispute the custody of the petitioner. However, she submits that the prosecutrix in the case has been examined. Out of 15 witnesses, one witness has been examined in the case.

I have heard learned counsel for the parties.

Petitioner is in custody since 28.07.2019. The prosecutrix in the case has been examined. There is variation in the FIR version as well as in the statement of the prosecutrix recorded under Section 164 Cr.P.C. As against 15 witnesses cited by the prosecution, only 1 witness has been examined so far and in this manner, trial in the case will take sufficient long time. Thus, this Court deems it appropriate to admit the petitioner on bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of trial Court.

It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

The observations made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall decide the case on the basis of available material.

(HARI PAL VERMA)
JUDGE

03.03.2020
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Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No