

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

**CRM No. M-44707 of 2019 (O&M)
Date of decision : October 08, 2020**

Rahul

....Petitioner

versus

State of Haryana

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. SS Sandhu, Advocate, for the petitioner

Mr. Baljinder Virk, DAG Haryana

Mr. Jitender Dhanda, Advocate, for the complainant

Fateh Deep Singh, J. (Oral)

The matter has been taken up through Video-conferencing on account of outbreak of pandemic COVID-19.

CRM-21981-2020

Learned counsel for the petitioner has made statement withdrawing CRM-21981-2020 since regular bail application has already been listed for today. Allowed to do so.

CRM-21981-2020 is dismissed as withdrawn.

CRM-M-44707-2019

Petitioner Rahul has come up in this second bail application under Section 439 Cr.P.C. in case FIR No. 32 dated 27.7.2018, under Sections 120-B, 34, 342, 365, 376(2)(n), 379, 506, 354-D, 354-A, 201, 341 IPC, Police Station Women Police Station, Sirsa, the first having been dismissed on 27.5.2019.

The precise allegations brought to the notice of this Court are that a girl aged around 23 years, a student residing in a hostel developed intimacy with the petitioner who is co-villager and remained in this relationship for more than two years. There are allegations emanating that on 16.3.2018, the complainant father of the girl Jasbir Singh received information that his daughter has married petitioner and on the basis of which the complainant tried to contact the accused and the girl but to no avail. The present case has been got registered after 8/9 months of the last allegation of alleged rape by the petitioner of the victim.

Learned counsel for the petitioner has submitted that it is a case of version and cross-version and has drawn the attention of the Court to the complaint so lodged by the petitioner side that the petitioner was kidnapped on account of land dispute of the family on account of which during interrogation of one Sandeep, it was

revealed that the petitioner was kidnapped at the behest of the girl's family to murder. Counsel for the petitioner further contends that the petitioner is behind the bars since 9.8.2018 for more than two years and two months and the trial is not likely to be concluded in near future.

Learned State counsel assisted by Mr. Jitender Dhanda, counsel for the complainant though does not displace the facts but opposed the bail on the grounds that the girl in her statement under Section 164 Cr.P.C. has highlighted that it was because of her intimate video prepared by the accused-petitioner she was threatened and kept mum and on which pretext the accused had been satisfying his lust. It is further submitted that in view of the heinousness of the offence disentitles the petitioner to any bail.

Appreciating the submissions, be so as it may, admittedly the petitioner has undergone incarceration for more than two years and two months. The victim admittedly is more than 23 years and as per her own stand made before the Judicial Magistrate was in a relationship with the petitioner for more than two years. There is no corroborative evidence medical or otherwise to support the allegations of rape or threat by the accused by projecting her video in an intimate position. In view of this and keeping in view that

culpability if any would be determined at the trial which is not likely to be concluded in near future, no purpose will be served by retaining the petitioner in jail. Accordingly, he is ordered to be released on regular bail to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, concerned.

The present petition stands disposed off accordingly.

The observations made herein above shall have no bearing on the merits of the case as these are purely for the disposal of the present bail application.

October 08, 2020
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(Fateh Deep Singh)
Judge

Whether speaking/reasoned ?
Whether Reportable ?

Yes
No