

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

221

CRM-M-52597-2019(O&M)

Date of Decision:30.01.2020

Inderjeet @ Inder Kaushik

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

Present: Mr. V.P. Sangwan, Advocate,
for the petitioner.

Ms. Gaganpreet Kaur, AAG, Haryana.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in FIR No.0011 dated 11.02.2019 under Section 67-A of the Information Technology (Amendment) Act, 2008 and Sections 328, 34, 376, 506 IPC (the offence under Sections 384, 120-B IPC were added later on), registered at Women Police Station Narnaul, District Mahendergarh.

Learned counsel for the petitioner has argued that the petitioner is in custody since 14.03.2019. The allegation against the petitioner is that he was known to the victim's in-laws and was on visiting terms with them. In the month of December 2017, the petitioner who otherwise used to visit her village Kothal Khurd gave her real juice to drink and after drinking juice, she became unconscious. Nobody was at home that night and he committed rape upon her and also prepared her obscene video. In the

morning when she(prosecutrix) gained consciousness, petitioner told her that he had prepared her obscene video and in case she will disclose about this incident to anybody, he will defame her in her relations. Again, on 08.02.2019 when she visited her village Kothal Khurd, in night petitioner came to her house and without her consent committed rape upon her. He threatened her to leave her husband and to marry with him. When the prosecutrix refused to do so, petitioner told her that he will viral her video to the relatives and friends. In the FIR, she has made allegations that one Vikas has made her video viral from his mobile No.8685877787 on the mobile No.9460745403 of her husband and in this manner, FIR suggests that the petitioner and Vikas wanted to blackmail her. He states that the prosecutrix has been examined, but now the prosecution has moved an application under Section 319 Cr.P.C., so as to summon Vikas as a witness.

Learned State Counsel does not dispute the custody period and submits that the police could not trace mobile No.8685877787 of accused Vikas and for this reason, the prosecution has moved the application under Section 319 Cr.P.C. for such summoning.

Heard.

The trial in the case is not likely to be concluded in the near future as prosecution has filed the application under Section 319 Cr.P.C., so as to summon accused Vikas. Moreover, for the incident which took place in December 2017, she has not reported the matter for this incident and it is the subsequent incident of 08.02.2019 which was made the basis of the present FIR. Petitioner is in custody since 14.03.2019. Therefore, 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.

However, it is made clear that the observations made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall proceed with the trial independently without being influenced by the order of bail passed by this Court.

January 30, 2020
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No