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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-2573-2021 (O&M)
Date of Decision: 03.03.2021

Ritik Kumar Shukla

.. Petitioner

Vs.

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Shivam Grover, Advocate for applicant-petitioner.

Kanwar Sanjiv Kumar, AAG, Haryana.

...

Manoj Bajaj, J. (Oral)
CRM-6408-2021

Application is allowed, subject to all just exceptions. Annexure

P-7 is taken on record.

CRM-M-2573-2021

Petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail, pending trial in case FIR No.472 dated 21.08.2020 registered under Sections 376(2)(n) and 406 IPC at Police Station Sadar Gurugram. The petitioner is in custody since his arrest on 22.08.2020.

The above FIR was registered on the statement given by prosecutrix, which reads as under:-

"I (name withheld), resident of Tindauli Post Office, P.S. Silarpar, Shrinagar, District Mahoba Uttar Pradesh presently residing as tenants of Vidyadevi w/o Rajkumar in Jharsa, Gurugram, and aI live with my parents in Jharsa in a rented hosue. I recently (2018) started working at Sahara Mall at a consmetic store. Ritik Shukla s/o Dilip Shukla resident of Village Girauli, P.s. Inayat Nagar, district Faizabad, U.T. also worked with me. We met there and became friends. We entered into a physical relationship after a month in Delhi. After this, he forced me into the intercourse and clicked my obscene pictures and videos. Later, he used

these pictures to blackmail and asked me for my ATM card in return. He kept my card for a year and a half and used it to pay for his expenses. I request you to take strict legal action against the accused. I have given my statement to my legal advisor Nirmala Yadav. I came here with my mother and I have been sexually active before (in the village Jharsa). Sd/-

Learned counsel contends that the complainant was in relationship with the petitioner with her own free will and consent and, therefore, no alleged offence would be made out, as she was major at the time of alleged occurrence. He submits that the version given by the complainant in FIR itself reveals her previous conduct also and, therefore, it is apparent that the petitioner has been falsely implicated on the ground that he refused to marry her. Learned counsel has further drawn the attention of the Court to the statement of the complainant recorded before the trial Court (Annexure P-8), wherein she stated that the version in the complaint was given by her under the supervision of the Investigating Officer. Learned counsel submits that the trial is likely to take some time to conclude, therefore, the petitioner be released on bail.

The prayer is opposed by learned State counsel assisted by ASI Naresh Kumar, on the ground that the offence is serious and the complainant has specifically named the petitioner. However, it is not disputed that the victim has been examined, but fourteen witnesses still remain to be examined.

After hearing the learned counsel for the parties and considering the background of this case, this Court finds that though the trial has commenced, but still fourteen witnesses are to be examined on behalf of the prosecution and it will take considerable time to conclude the trial. The material witness has already been examined and other witnesses are police officials and there does not seem any possibility of their being

won over, therefore, the further detention of the petitioner behind the bars may not be necessary for any useful purpose, who is presently confined in judicial custody, after his arrest on 22.08.2020.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate Gurugram.

The petition is allowed.

03.03.2021

Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No