

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

CRM-M-5345-2021

DECIDED ON: 9th FEBRUARY, 2021

ROHIT

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Nirmal Singh, Advocate for the petitioner.

Mr. Deepak Bhardwaj, DAG, Haryana.

AVNEESH JHINGAN, J (ORAL)

The matter is taken up for hearing through video conference due to COVID-19 situation.

The petition is for seeking regular bail in FIR No. 71, dated 17th July, 2020, under Sections 354-D, 363, 366, 376(2)(n) and 506 IPC, registered at Police Station Women, Bhiwani.

The FIR was at the instance of prosecutrix (name withheld). She was a student of BA 2nd year. She stated that Rohit (petitioner) use to follow her but she refused to talk, he clicked her photographs and started blackmailing her. Thereafter she was taken to Sanga Brick Kiln where physical relation was developed against her wish. She was asked to marry the petitioner, on refusal she was threatened that a video was prepared and it would be made viral. She stated that on 3rd July, 2020 when she was coming to home, petitioner stopped her and proposed for marriage, when refused he tried to gave a knife blow on her neck but she blocked the knife by hand.

Learned counsel for the petitioner submits that earlier FIR No. 474, under Sections 323/341/506 IPC was registered on 3rd July, 2020. Petitioner was arrested and released on bail on the same day. The present FIR is after 15 days, an after thought story. He argues that prosecutrix and petitioner were friends. They belong to different castes and their parents were not ready for their marriage, as a result of the present FIR was got registered by pressurizing the prosecutrix. The contention is that there is a delay of 9 months in lodging the FIR and no video has been recovered.

Learned State counsel submits that initially FIR of 3rd July, 2020 is suggestive of the fact that how the petitioner was pressurizing the prosecutrix for marriage. Prosecutrix has supported the allegations in the FIR in her statement under Section 164 Cr.P.C. She also stated about being taken to hotel where the petitioner prepared her video for which she was being blackmailed. He, on instructions from SI Krishna Devi submits that the mobile phone has been sent for data recovery. He opposes the bail on the ground that prosecutrix is yet to be examined.

The allegations against the petitioner are of committing rape. The contentions of learned counsel for the petitioner that the petitioner and prosecutrix were known to each other does not authorize the petitioner to click the photographs or make video, to be used later for blackmailing purposes. The prosecutrix has stood by her allegations in her statement recorded under Section 164 Cr.P.C. She is yet to be examined. The delay in lodging the FIR in such like cases cannot be itself be a ground to ignore the allegations. It is when the harassment or threat crosses the particular level that the prosecutrix collects enough courage to disclose such acts.

The argument that no video has been recovered is of no help. As per

No ground is made out for grant of bail.

Dismissed.

9th FEBRUARY, 2021

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(AVNEESH JHINGAN)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>Yes</i>