

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

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**CRM-M-8818-2021
Date of decision: 06.04.2021**

RAJESH

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Narender Pal Bhardwaj, Advocate
for the petitioner.

Ms. Geeta Sharma, DAG, Haryana
for the respondent-State.

ARUN KUMAR TYAGI, J (ORAL)

(The case has been taken up for hearing through video conferencing.)

The petitioner has filed the present (first) petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No. 318 dated 16.07.2020 registered under Sections 323, 376, 385 and 506 of the Indian Penal Code, 1860 (for short 'the IPC') at Police Station Sector 32-33, Karnal.

The petitioner, who is in custody since 17.07.2020, has filed the present petition for grant of regular bail.

The petition has been opposed by the respondent-State. However, no reply has been filed by the respondent-State.

I have heard learned Counsel for the petitioner and learned State Counsel and have gone through the relevant record.

Learned counsel for the petitioner has argued that the

prosecutrix was admittedly having love affair and physical relationship with the petitioner for about four years and stayed with the petitioner at Rishikesh for about four months. The prosecutrix made allegations that the petitioner threatened to make her photographs public and to kidnap her daughter and that the petitioner gave beating to her and committed rape on her on 15.07.2020. The FIR was lodged on concocted and false allegations. No video clips or photographs were recovered from the petitioner. The allegations made in FIR and her statement dated 17.07.2020 are contradictory in respect of material facts regarding the occurrence. The allegations regarding abducting, forcibly taking to hotel and committing rape on the prosecutrix are highly improbable and are not supported by her medico legal report. The trial is likely to take long time due to restrictions imposed to prevent the spread of infection of Covid-19 and no useful purpose will be served by further detention of the petitioner in custody. Therefore, the petitioner may be granted regular bail.

On the other learned State counsel has submitted that the petitioner abducted the prosecutrix on 15.07.2020, forcibly took her to a hotel, treated her like an animal, committed rape on her and criminally intimidated her. The petitioner also took her photographs and blackmailed her. In view of nature of accusation and gravity of the offences the petitioner does not deserve grant of regular bail.

In view of the facts and circumstances of the case, nature of accusation and evidence against the petitioner, long consensual relationship between the petitioner and the prosecutrix before the alleged occurrence and the fact that trial is likely to take long time due

to restrictions imposed to prevent the spread of infection of Covid-19 but without commenting on the merits of the case, I am inclined to extend the concession of regular bail to the petitioner.

In view of the above, the petition is allowed and the petitioner is ordered to be released on regular bail on furnishing of personal and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

06.04.2021

Vishal

(ARUN KUMAR TYAGI)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No