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

CRM-M-11047-2021

Date of Decision: August 05, 2021

Akash Gola

.....Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR.JUSTICE RAJESH BHARDWAJ

Present: Mr.Gaurav Gupta,Advocate
for the petitioner.

Mr.B.S.Virk, Deputy Advocate General, Haryana.

.....

RAJESH BHARDWAJ, J. (ORAL)

Matter has been taken up through video conferencing via Webex facility in the light of the Pandemic Covid-19 situation and as per instructions.

Instant petition has been filed under Section 439 Cr.P.C. praying for grant of regular bail to the petitioner in case FIR No.228, dated 17.12.2020, under Sections 376(2)(N)/323/450/506 IPC, registered at Police Station Women NIT, District Faridabad.

It has been contended by learned counsel for the petitioner that the allegations made in the FIR are totally false as admittedly the petitioner and the complainant were in relationship voluntarily. He contends that subsequently some differences took place between both of them and on that account, the present FIR was malafidely lodged against him. He further submits that the allegations of making the video and taking photographs of the prosecutrix, as alleged, are totally false as no recovery of such material

alleged, had been made by the prosecuting agency. He has contended that now the prosecutrix has been examined in the Court as PW1 and though she has supported the case of the prosecution, but the petitioner is behind bars since 03.01.2021 and thus, there cannot be any such threat apprehended by the prosecution in influencing the material witness, as she has already been examined. He further contends that petitioner and complainant both were classmates and the petitioner is 23 years old and his further custody is unwarranted.

Learned State counsel has also submitted that the material witness has already been examined but has opposed the grant of regular bail to the petitioner.

In totality of the facts and circumstances, I find that counsel for the petitioner has made out a case for grant of bail to the petitioner. The trial would take some time for its conclusion and no purpose would be served by keeping the petitioner behind the bars for further period.

Application is allowed.

Bail to the satisfaction of trial Court/Duty Magistrate concerned.

Nothing said hereinabove shall be construed to be an expression on the merits of the case.

August 05, 2021
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(RAJESH BHARDWAJ)
JUDGE

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| 1. Whether speaking/reasoned ? | Yes/No |
| 2. Whether reportable ? | Yes/No |