

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-14215-2020 (O&M)
Date of Decision:-7.4.2021

Narender Singh ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Shakti Mehta, Advocate for the petitioner.

Ms. Sheenu Sura, DAG, Haryana,
assisted by SI Sumanlata.

Mr. Rajiv Sharma, Advocate for the complainant.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered vide FIR No.24 dated 23.1.2020 at Police Station Women NIT, Faridabad under Sections 354-C, 506, 509 of Indian Penal Code and Sections 6 and 17 of POCSO Act, 2012.
2. The FIR in question was lodged at the instance of the victim herself aged 19 years, wherein she alleged that in the year 2017 when she was studying in Class 12th, a boy namely Shiwang Gupta, who was also studying in her class,

had introduced her to Narinder Singh. At that time, she was aged 17 years. It is alleged that on 5.11.2017 Narinder Singh called her telephonically and took her to some rented house in Faridabad where he offered her a cold drink, which was infact mixed with some intoxicants and upon consuming the same she fell unconscious. It is alleged that Narinder Singh committed rape upon her and also took her photographs. It is alleged that later, on the basis of the said photographs, he used to blackmail her and kept on having physical relations with her.

3. Learned counsel for the petitioner has submitted that a false FIR has been lodged against the petitioner and infact the FIR has been lodged highly belatedly inasmuch as the occurrence of rape is alleged to have taken place in the year 2017 for the first time, whereas the FIR came to be lodged in the year 2020. Learned counsel has further submitted that infact the falsity of the allegations would be evident from the fact that when the complainant was issued a notice in terms of Section 91 Cr.P.C. asking her to furnish evidence in respect of the obscene photographs/videos, she did not furnish any said photographs/videos.
4. Upon a query made by this Court to learned State counsel, she has drawn the attention of this Court to para No.8 of the reply, wherein it has been categorically deposed that no such obscene photograph was furnished by the complainant.
5. Though the learned counsel for the complainant has vehemently argued that the laptop of the petitioner has been sent to CFSL to find out as to whether there is any obscene photographs/videos in the same which is awaited but in the absence of any definite report regarding the same, this Court would not

like to further adjourn the matter especially when the petitioner has already been behind bars since the last about 1 year.

6. During the course of arguments, learned counsel for the complainant submitted that the call-details record pertaining to year 2019 shows that the petitioner had made a large number of telephone calls to the victim and which would show his complicity in the matter, but the factum of telephone calls between the parties from the year 2017 onwards *ipso-facto* can not establish guilt of accused.
7. Having regard to the aforesaid facts and circumstances particularly the factum of delay in lodging the FIR and also that the petitioner as on date has been behind bars for the last about 1 year, further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.
8. It is, however, clarified that none of the observation made above shall be taken to be an expression on merits of the main case.
9. It is further clarified that this order shall enure offence under Section 328 IPC as well since the said offence is stated to have been added subsequently.

7.4.2021

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**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No