

CRM-M-18988-2021

Date of Decision: 22.7.2021

Vikrant Kumar

..... Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. D.S. Matya, Advocate, for the petitioner.

Mr. Manish Bansal, 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.

Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No.194 dated 8.10.2020 under Sections 376(2)(n), 506 IPC registered at Police Station City Gurugram, Gurugram.

It has been contended by learned counsel for the petitioner that the present FIR is nothing but an abuse of process of the Court as both the petitioner and the prosecutrix are major and the relationship between them was consensual as is clear from a bare perusal of the FIR and also from the deposition made by the prosecutrix before the trial Court. He further contends that the prosecutrix as per her own contentions lived voluntarily with the petitioner and at number of times they spent time together, which is further evident from the photographs appended with this petition. He further contends that the prosecutrix was called for medical examination but she herself refused for the medical examination. He further submits that the

petitioner is behind the bars since 8.10.2020 and the crucial witness was the prosecutrix, who has been examined. He submits that though the prosecutrix has supported the case of the prosecution but the trial is pending and there is no threat whatsoever on the part of the petitioner for hampering the ongoing trial.

Learned State counsel submits that out of total 17 prosecution witnesses, 12 prosecution witnesses have been examined. He further endorsed that the prosecutrix already stands examined.

I have heard learned counsel for the parties and perused the record.

In the totality of the facts and circumstances of the case, I find that the petitioner is behind the bars from 8.10.2020 and the majority of the prosecution witnesses have already been examined. Learned counsel for the petitioner has made out a case for grant of regular bail. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

(RAJESH BHARDWAJ)
JUDGE

22.7.2021
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Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No