

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

207

CRM-M No.20548 of 2021
DATE OF DECISION : 26th MAY, 2021

Jitender Taneja

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

=====

In virtual Court

=====

Present : Mr. Kunal Dawar, Advocate for the petitioner.

* * * *

RAJBIR SEHRAWAT, J. (Oral)

The present petition has been filed by the petitioner under Section 439 Cr.P.C. for grant of bail pending trial in case FIR No.86 dated 09.05.2020 registered under Sections 376 IPC, 1860 at Police Station Women, NIT Faridabad, District Faridabad and the challan was presented under Sections 376(2)(n) & 506 IPC; Section 67-A of the IT Act and Section 3 of the SC/ST Act.

It is submitted by counsel for the petitioner that the case against the petitioner is totally concocted. Even if the version given by the complainant is to be taken on some face value, then also, the complainant is a married lady having children. She is even elder in age as compared to the petitioner. Therefore, if at all there is some allegation of sexual relationship between the two, the same is consensual. Even the photographs, allegedly recovered by the police, which have been placed on record with the present petition, show that there is no force used by

the petitioner against the complainant. The petitioner is in custody since 16.09.2020. The petitioner is not required for any investigation purposes. Nothing is to be recovered from the petitioner. There is no other case against the petitioner. Hence, the petitioner deserves to be released on bail.

Notice of motion.

Mr. Rajesh Gaur, Additional Advocate General, Haryana, accepts notice on behalf of the State.

It is submitted by counsel for the State, being instructed by ASI Rajni, that there are specific allegations against the petitioner qua having committed rape upon the complainant. Even objectionable photographs have been recovered from the petitioner. However, it is not disputed that the complainant is a married lady having children. It is also not disputed that the petitioner is in custody since 16.09.2020 and that there is no other case against the petitioner.

In view of the above, but without expressing any further opinion on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial subject to his furnishing bail bonds/surety to the satisfaction of the Trial Court/Duty Magistrate, concerned.

26th MAY, 2021
'raj'

(RAJBIR SEHRAWAT)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>