

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Sr. No. 215

Case No. : Crl. Misc. No.M-21061 of 2021

Date of Decision : June 28, 2021

Sahil Kamboj Petitioner

vs.

State of Haryana Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL.

Present : Mr. Prateek Rathee, Advocate
for the petitioner.

Ms. Vibha Tewari, AAG, Haryana.

* * *

MANJARI NEHRU KAUL, J. (Oral) :

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail in FIR No.74 dated 08.03.2021 under Sections 376, 323, 34, 354-A IPC, registered at Police Station, Sector 5, Gurugram.

Learned counsel for the petitioner inter alia contends that the petitioner has been falsely implicated by the prosecutrix who is habitual of lodging such false complaints against different persons. Learned counsel for the petitioner has placed on record a copy of six other FIRs registered by the prosecutrix in the preceding 10 months to the registration of the FIR in question (five under Section 376 IPC and one under the IT Act). Learned counsel submits that the conduct of the prosecutrix in lodging such false cases against different persons and that too, in different Police Stations goes a long way to establish her dubious antecedents. It has been further submitted that even assuming, though not admitting, that the petitioner did develop physical relations with the prosecutrix, the conduct of the

prosecutrix would go a long way to establish that she was in fact a consenting party which further is borne out from the fact that she did not receive any injury on any part of her body.

Per contra, learned State counsel, on instructions from ASI Mukesh, has apprised this Court that the challan has been presented in the instant case. She has very fairly admitted that the prosecutrix has indeed filed as many as five other cases against different persons levelling similar allegations. Learned State counsel has also apprised this Court that in two, out of five cases, Cancellation Report has been filed by the investigating agency as the allegations levelled by the prosecutrix were found to be false. Learned State counsel further submits that the charges are likely to be framed on the next date of hearing which is 01.07.2021.

Heard.

In view of the submissions made by learned counsel for the parties and keeping in view the fact that the petitioner is in custody since 21.03.2021, no useful purpose would be served by keeping him behind the bars as the trial is unlikely to conclude in near future, I deem it a fit case to grant the concession of regular bail.

The petition is allowed and the petitioner is admitted to bail to the satisfaction of the concerned Trial Court/Duty Magistrate. However, it is made clear that any observation made herein shall not be construed as an expression of opinion on the merits of the case.

June 28, 2021
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(MANJARI NEHRU KAUL)
JUDGE

<i>Whether speaking/reasoned ?</i>	<i>Yes/No.</i>
<i>Whether reportable ?</i>	<i>Yes/No</i>