

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH
(Heard through VC)

CRM-M-23813 of 2021 O&M)
Date of Decision: 12.7.2021

Rinku @ Molhar

...Petitioner

Versus

State of Haryana

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. R.K. Hooda, Advocate
for the petitioner.

Mr. Dhruv Sihag, AAG, Haryana.

JAISHREE THAKUR, J.

1. The petitioner has filed the instant petition under Section 439 of the Code Of Criminal Procedure (“**the Code**” for short) for grant of regular bail to him in case FIR No. 108 dated 22.10.2020 under sections 376-D, 506 and 34 IPC registered at Women Police Station Manesar Gurugram, District Gurugram.

2. Learned counsel appearing on behalf of the petitioner would contend that he has been falsely implicated under the said FIR which came to be registered on a statement given by the prosecutrix, that on the pretext of offering a job to her, she was called to meet the petitioner and another, who took her away in a Swift car and subjected her to the offence of rape. It is submitted that he has been in custody since the day of his arrest, i.e. on the 22.10.2020. Learned counsel would also submit that immediately after the registration of FIR, the statement of the complainant was recorded under Section 164 of the Code before Sh. Naveen Kumar, JMIC, Gurugram to the

effect that the FIR was registered by mistake due to some misunderstanding. In the said statement the complainant admitted to having a friendship with the petitioner, stating him to be her boy friend, while also admitting that they were in a physical relationship. Learned counsel for the petitioner herein would contend that there is false implication in the said matter as even the medical does not support the allegations of rape. It is argued that the investigation is complete and therefore custodial interrogation will no longer be required.

3. Whereas learned State Counsel opposed the grant of regular bail contending that the petitioner herein has been nominated as an accused under the FIR on allegations of having committed rape upon the prosecutrix. However, he is not in a position to dispute the fact that the matter stands investigated and the challan presented.

4. I have heard the counsel for the parties and deem it appropriate to grant regular bail to the petitioner herein keeping in view the statement that has been suffered by the prosecutrix before JMIC, wherein she has clearly stated that the petitioner herein is her boyfriend for the past one and a half year. She also has admitted to being in a physical relationship with him. Apart from that, the challan has been presented and investigation is complete therefore the custody of the petitioner would no longer be required. The trial is likely to take some time to conclude.

5. Consequently, without commenting on the merits of the case, the instant petition is allowed and the petitioner is directed to be released on

regular bail on execution of adequate personal bond and surety bond to the satisfaction of concerned trial court/Duty Magistrate.

12.7.2021
prem

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned :	Yes
Whether Reportable :	No