

227

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

**CRM-M No.26311 of 2021
Date of Decision: 19.07.2021**

RAJESH KUMAR @ MAUJA

.....Petitioner

Vs

STATE OF HARYANA

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Navneet Singh, Advocate
for the petitioner.

Mr. Anant Kataria, D.A.G., Haryana.

RAJ MOHAN SINGH, J.(Oral)

The case has been taken up for hearing through video conferencing.

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.50 dated 15.02.2021, registered under Sections 323, 354, 376, 506, 511 IPC at Police Station Sadar Narwana, District Jind.

The FIR was registered with the allegations that the prosecutrix was sleeping at night, then the petitioner entered the room where she was sleeping and started doing obscene acts by touching her inappropriately. The prosecutrix woke up and

after hearing the noise her daughter also woke up. Thereafter the petitioner left the room. The allegations are of attempted rape in terms of Sections 376, 511, 323, 506, 354 IPC.

Learned counsel for the petitioner submitted that earlier in FIR No.107 dated 23.04.2011 under Sections 498A/406/323/506 IPC, P.S. Jind Sadar, similar allegations were made against the petitioner by the prosecutrix in para no.4 of the FIR. The said FIR was investigated by the Police and ultimately the allegations were found to be false. Petitioner is in custody since 13.05.2021.

Learned State counsel however opposed the bail on the ground that the allegations are of attempted rape as the petitioner pressed the breast of the complainant and kissed her lips. When the prosecutrix woke up, then the petitioner tried to persuade her. Petitioner asked the prosecutrix to establish physical relation as her husband is a diabetic patient and he would satisfy her physical needs. Challan has already been presented, but charges have not been framed so far.

The prosecutrix/complainant is having some litigation with her husband and in the year 2011 also similar allegations were made against the petitioner which were found to be false.

At this stage, without meaning anything on the merits of

the case and in view of the situation arising out due to COVID-19 pandemic, I deem it appropriate to enlarge the petitioner on regular bail, without meaning anything on merits of the case.

In view of above, petition is allowed. Petitioner is ordered to be released on bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

July 19, 2021
Atik

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No