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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-31910-2020 (O&M)

Date of decision:15.01.2021

ADITYA KUKRETI

... Petitioner(s)

versus

STATE OF HARYANA

... Respondent (s)

Coram: *Hon'ble Mr. Justice Jasgurpreet Singh Puri*

Present: Mr. Randeep Rai, Advocate
for Mr. Gautam Dutt, Advocate
for the petitioner.
Mr. Munish Sharma, AAG, Haryana.

Through Video Conference

Jasgurpreet Singh Puri, J.(Oral)

The present petition has been filed under Section 439 of Criminal Procedure Code for grant of regular bail in FIR No.315 dated 02.08.2020 under Section 323, 354-A, 354-B, 376, 511 and 354 of IPC, Police Station Sector 10, Gurugram.

In the FIR lodged by the complainant she has stated that the petitioner had met the complainant aged 41 years on a social website and thereafter they had fixed a date for meeting on 31.07.2020 at Gurugram where they stayed at a flat together. After taking drink at lunch with each other, the complainant talked to him with regard to her business.

Thereafter, during the middle of the night at about 03:00 a.m. the petitioner had come to her room and slapped her and starting hurling filthy abuses to which she repelled and attacked on his left hand with her nails and also

bit him with her teeth upon his left thigh. Thereafter, he was in inebriated condition and went to his room while hurling abuses. At about 08:30 a.m. she came out of her room and saw petitioner in semi-naked condition and she knocked the door and he came out while wearing clothes and took her to the car and thereafter he dropped her to the stop where local transport was available.

The learned counsel for the petitioner has submitted that the petitioner was falsely implicated in the present case and *prima facie* offence under Section 376 is not made out. He further submitted that the petitioner is in custody since 03.08.2020 and the investigation of the case is already complete and after the framing of the charges 5 out of 15 witnesses have already been examined including the prosecutrix. He has submitted that his further incarceration would not be proper. He has further submitted that the petitioner is a respectful man and retired as Wing Commander and that there are no chances of him to flee from justice or doing any such act so as to disentitle him from bail and prayed for grant of bail.

On the other hand, learned State counsel has submitted that it is correct that since 03.08.2020 the petitioner is in custody and all the material witnesses have been examined including the prosecutrix. Further he has opposed the grant of bail on the ground that the matter was serious in nature and direct allegations have been levelled against him.

I have heard learned counsel for the parties.

So far as the custody period is concerned the same has not been disputed by learned State counsel. It is also not in dispute that out of the 15 cited witnesses, 5 witnesses have already been examined including the prosecutrix and that all the material witnesses have been examined. It is not the case of the State that in case the petitioner is released on bail then he may influence any of the

witnesses or he may tamper with the evidence or he may flee from justice.

Therefore, keeping in view the above facts and totality of circumstances of case and without expressing any opinion on the merits of the case, the present petition is allowed. Petitioner is granted the concession of regular bail. He be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the concerned Trial Court/Duty Magistrate.

15th January, 2021
shabha

[JASGURPREET SINGH PURI]
JUDGE

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