

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

237

**CRM-M-39051-2020
Decided on : 20.08.2021**

Tilak Raj Shastri @ Tushar Sharma

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

(Through Video Conferencing)

PRESENT: Mr. R.P.S. Ahluwalia, Advocate with
Mr. S.S. Aviraj, Advocate, for the petitioner(s).

Ms. Tanushree Gupta, DAG, Haryana
assisted by L/ASI Neelam.

MANJARI NEHRU KAUL, J. (Oral)

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No. 22, dated 23.03.2020, under Sections 354A, 354B, 328, 420, 506 of IPC (Sections 376, 508, 34 of IPC added later on), registered at Police Station Women Cell, Rohtak.

Learned counsel for the petitioner submits that a highly improbable and fabricated version has been brought-forth by the prosecutrix while getting the FIR in question registered against the petitioner. He submits that there had admittedly been some money transactions between the parties, as the prosecutrix and her husband had deposited different amounts of money into the account of the petitioner, who is an astrologer for performing some puja. However, the prosecutrix and her husband started pressurizing the petitioner to return the amount, as they were unhappy with the puja performed by the petitioner. Learned counsel

submits that it was in this background the prosecutrix lodged the instant FIR against the petitioner. It has been submitted that as per the allegations the alleged crime i.e. sexual assault was carried out in the year 2016 by the petitioner, however, strangely it was after 04 years that the FIR in question came to be registered against the petitioner and that too without there being any supportive evidence, much less, any medical evidence *qua* the alleged sexual assault. Learned counsel has submitted that had there been any shred of truth in the allegations of rape, sexual assault levelled against the petitioner or the prosecutrix having been threatened with dire consequences by the petitioner, she would not have chosen to keep quiet for as long as 04 years. Further submits it was not the case of the prosecutrix that she had been held as a captive by the petitioner all these preceding years and hence it was only now once she was out of his captivity that she had got the FIR in question registered. Learned counsel submits that as per her own version given in the FIR, whenever, the prosecutrix went to the petitioner, she would be accompanied by her husband and hence, it left no manner of doubt a concocted story had been brought-forth in the FIR in question.

Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions from L/ASI Neelam, has not been able to controvert the fact that there was no medical evidence on record to support the allegations of rape or even sexual assault. She has submitted that the prosecution evidence is due to commence on 07th September, 2021.

Heard.

In view of the submissions made by learned counsel for the parties and keeping in view the fact that petitioner has been in custody since

09th August, 2020, I deem it a fit case for grant of the concession of regular bail to the petitioner. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

August 20, 2021

J.Ram

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*