

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

209

**CRM-M-44638-2021
Decided on : 01.11.2021**

Vijay @ Kala

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

(Through Video Conferencing)

PRESENT: Mr. Sukesh K. Jindal, Advocate
for the petitioner(s).

Mr. Gagandeep Kaur, AAG, Haryana
assisted by SI Suresh.

MANJARI NEHRU KAUL, J. (Oral)

The instant petition has been filed under Section 439 Cr.P.C. for grant of bail to the petitioner in case FIR No. 484, dated 30.12.2020 (annexed as Annexure P-6), under Sections 376, 506 of IPC, registered at Police Station Civil Lines, Sonipat.

Learned counsel for the petitioner submits that the prosecutrix is habitual of making false complaints of similar nature, which is evident from the fact that in 2018, she had lodged a false complaint i.e. FIR No. 39, dated 16.02.2018 at Police Station Civil Lines, Sonipat, under Sections 376, 313, 506 of IPC, against one Rakesh Rana s/o Laxman, resident of Khera Kalan, Narela, Delhi and four other persons i.e. Manju alias Nanhu w/o Sunil, Poonam d/o Laxman, Sunil s/o Laxman and Dr. Reena Gupta. However, during investigation, the police had found the persons named in the said FIR to be innocent. While inviting the attention of this Court to Annexure P-4, it has been submitted that a complaint was made against the present petitioner by the prosecutrix on 29.05.2020, wherein, she alleged

that it was on the pretext of providing her a job, she had been subjected to forcible physical relations. However, soon thereafter, within two days, the prosecutrix gave an affidavit to the effect that the said FIR had been got registered by her at the behest of her Advocate and in fact, no such, occurrence, as alleged in that FIR, had ever taken place.

Learned counsel further submits that as if that was not enough, the prosecutrix yet again lodged a complaint at Zirakpur against the petitioner of subjecting her to rape on the pretext of marriage, which was then sent to the Police Station at Civil Lines, Sonipat. It has been submitted that it was on the basis of the aforementioned second complaint, FIR in question came to be registered. Learned counsel submits that in the above background, it is apparent that totally false and fabricated allegations have been levelled against the petitioner by the prosecutrix, who is a 27 years old widow having a child and has further urged that even assuming for the sake of arguments, the relations between the petitioner and the prosecutrix, if any, were on the face of it, consensual relations between two mature adults.

Per contra, learned State counsel, while opposing the prayer and submissions made by counsel opposite, on instructions from SI Suresh, has not been able to controvert the contents of the previous complaint (Annexure P-4) made by the prosecutrix, wherein, the prosecutrix had levelled allegations against the petitioner of subjecting her to rape on the promise of providing her with a job and also the matter having been subsequently compromised in the wake of an affidavit given by the prosecutrix herself, wherein, she had submitted that she had been compelled to level those allegations at the behest of her Advocate. Learned State counsel has apprised the Court that charges stands framed and the prosecution evidence is due to commence in the near future.

I have heard learned counsel for the parties and perused the material on record.

The petitioner has been in custody since 08th January, 2021 and only charges stands framed till date, therefore, there is no likelihood of the trial concluding anytime in the near future. His further incarceration thus would not serve any useful purpose.

In the facts and circumstances of the case as enumerated hereinabove, the petition is allowed. The petitioner be 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

November 01, 2021

J.Ram

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