

AMIT

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Sandeep Gahlawat, Advocate
for the petitioner.

Mr. Gurmeet Singh, AAG, Haryana.

*(The case has been taken up through video conferencing on
account of Covid-19 Pandemic).*

VIVEK PURI, J. (ORAL)

The petitioner is seeking regular bail in the case bearing FIR No. 250 dated 03.10.2019, under Sections 354 (D)(2)/376 (2)(N)/384/34 IPC, at Police Station Sadar, Narwana, District Jind has been registered.

Briefly, the allegations putforth in the FIR are to the effect that the petitioner being neighbourer had been visiting to the house of the prosecutrix. On 16.08.2018 at about 10-11.00 AM, the brother of the petitioner came to the house of the prosecutrix and told her that his mother is calling her. Accordingly, the prosecutrix went to the house of the petitioner where the petitioner alongwith his brother namely Moju were present. The petitioner caught hold the prosecutrix from her arms, laid her on a cot, broke the string of her trouser (salwar) and committed rape upon her. The brother of the petitioner kept guarding the house. The petitioner told the prosecutrix that his brother has captured the video and threatened to make

the same viral in the event she disclosed the incident to anyone. The petitioner had been blackmailing the prosecutrix and committed rape upon her several times. On account of fear, she did not narrate the incident to anyone. The petitioner has also been threatening her by making telephonic calls. He also apologized for the mistake in the police station. Subsequently, he posted a letter at the matrimonial home of the petitioner using nasty words.

It has been argued by the learned counsel for the petitioner that there is a delay of one year and two months in lodging the FIR and furthermore there is no other reliable supporting evidence to substantiate the allegations against the petitioner.

On the contrary, it has been argued by the learned State counsel that there is categoric and specific allegation of commission of forcible sexual intercourse upon the prosecutrix. The petitioner had blackmailed the prosecutrix on the pretext that the video of the incident has been prepared and the same will be made viral in the event she disclosed the incident to anyone. Even in the statement under Section 164 Cr.P.C, the prosecutrix has levelled specific and categoric allegations against the petitioner.

In the instant case, the petitioner has repeatedly committed forcible sexual intercourse upon the prosecutrix by blackmailing her. The petitioner had represented to the prosecutrix that a video clipping of the incident of having forcible sexual intercourse has been prepared and the same shall be made viral in the event she narrated the incident to anyone. In such a situation, the delay in lodging the FIR becomes inconsequential as the petitioner might have been reluctant to report the matter to the police to save her honour and that of the family. There is specific and categoric allegation with regard to commission of forcible sexual intercourse by the petitioner upon the prosecutrix. The statement of the

In these circumstances, no ground is made out to extend the concession of bail to the petitioner.

The present petition is dismissed.

04.01.2021
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(VIVEK PURI)
JUDGE

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