

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

222

**CRM-M NO. 41782 of 2020
Date of decision :18.02.2021**

Vinay Kumar @ Vicky

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. Namit Khurana, Advocate
for the petitioner.

Mr. Rajneesh Chadwal, AAG, Haryana
for respondent-State.

HARINDER SINGH SIDHU, J.

The case is taken up through video conferencing on account of COVID-19.

The petitioner has filed the present petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No. 207 dated 21.08.2020 registered under Sections 323, 342, 376 (2) (N), 376(2)(F), 506 IPC at Police Station Chhachhrauli, District Yamuna Nagar.

The FIR was registered on the complaint of prosecutrix who happens to be (wife's sister) of the petitioner. As per the allegations in the FIR, the petitioner is alleged to have allured the complainant and taken her to Meerut. There he administered her some intoxicant resulting in the complainant became unconscious. Thereafter the petitioner is alleged to have committed rape upon the complainant and also taken her photographs.

Thereafter he started blackmailing the complainant and threatened her that if

she did not do as desired he would defame her. On 26.05.2020 the petitioner came to the house of the complainant in the absence of her husband and committed wrong act with her and also took away gold items. On 30.05.2020 the petitioner took her with him and kept her in his custody for about one and a half month. He did not permit the complainant to talk to her husband. He regularly sexually abused her during this period. On 08.07.2020, petitioner by blackmailing her obtained her signatures on an affidavit and threatened that if she did not make statement in his favour, he will kill her children.

Learned counsel for the petitioner states that the allegation against the petitioner are totally false. The petitioner is married with the sister of the complainant for the last 7 years. The complainant used to quarrel with her husband-Shamsher Singh. She used to leave her matrimonial house and came to the house of her sister (petitioner's wife) or go to her parents. Infact after one such quarrel the husband of the complainant got registered an FIR No. 33 dated 14.02.2020 under Section 346 IPC at Police Station Chhachrauli. Later on, Shamsher Singh and complainant gave an affidavit to police that she had left her house of her own free will and she had gone to house of her sister namely Sheetal (wife of petitioner) and now Shamsher Singh-her husband was taking her back to matrimonial home. Thereafter, they requested police for cancellation of said FIR. He further states that it cannot be believed that the complainant could be forced to stay with the petitioner in the same house where he was residing with his wife (sister of the complainant) and other family members. He further states that the matter has now been compromised. A copy of the compromise has been sent through e-mail.

The petitioner is in custody since 22.09.2020. Investigation in the case is complete and challan has been presented. No useful purpose will be served by keeping the petitioner behind the bars till the conclusion of trial.

Without commenting anything on the merits of the case and also bearing in mind the custody period of the petitioner, this criminal miscellaneous petition is allowed and the petitioner-Vinay Kumar @ Vicky ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

18.02.2021

Rajeev (rvs)

(HARINDER SINGH SIDHU)**JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No