

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

**CRM-M-42981 of 2020 (O&M)
DATE OF DECISION :- April 05, 2021**

Aniket

...Petitioner

Versus

The State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE H.S. MADAN

Present:- Mr. B.S. Saroha, Advocate for the petitioner.

Mr. Karan Garg, AAG, Haryana.

**CRM No. 10275 of 2021 in
CRM-M-42981 of 2020**

The case has been taken up through Video Conferencing.

This is an application for exemption and permission to place on record copy of Annexure P-11.

Heard.

Allowed.

CRM-M-42981 of 2020

This petition for regular bail has been filed by petitioner Aniket, son of Sandeep, aged 21 years, resident of village Dathera, Police Station Jhinhana, District Shamli, U.P., an accused in F.I.R. No. 317 dated 6.6.2020 registered with Police Station Samalkha, District Panipat for offences under Sections 376(2) (N), 506, 328, 34 IPC (During the course of investigation Sections 328 and 34 IPC were dropped) and under Section 3 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities)

Act, 1989 (wherein the charges have been framed under Sections 376(2) (N) and 506 IPC and under Sections 3 (W) (I) and 3 (2) (V) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989).

Briefly stated the facts of the case as per prosecution story are that prosecutrix (name withheld to conceal her identity) has been residing as a tenant in the house of Om Parkash situated near Golden Park, Samalkha. She was acquainted with a boy namely Aniket (present petitioner) and they used to meet frequently. One day Aniket made the prosecutrix consume soft drink mixed with intoxicated substance and thereafter committed rape upon her. He prepared a video film of the entire incident. As alleged by the prosecutrix complainant, Aniket had been raping her for the last six months and he threatened to make the video film prepared by him viral; he further threatened to kill her even and under that threat he kept committing rape upon the complainant and blackmailing her; he used to give beatings to her even and snatched money from her. The complainant prosecutrix disclosed the factual position to the parents of Aniket but they rather supported him. The family members of Aniket used to call the complainant in a derogatory manner in the name of her caste.

On matter being reported to the police, formal F.I.R. was registered. Accused-petitioner was arrested in this case on 18.7.2020. On completion of investigation, challan was filed against him. During the course of trial, statement of prosecutrix has been recorded in which she is said to have toed the line of prosecution. The petitioner accused had moved an application for regular bail before the Court of Sessions at Panipat. His such application which was assigned to Additional Sessions Judge, Panipat was, however, dismissed vide order dated 10.12.2020. Feeling aggrieved, he

has approached this Court craving for grant of similar relief, which request is opposed by the learned State counsel.

I have heard learned counsel for the petitioner and learned State counsel besides going through the record.

Learned counsel for the petitioner has stated that the prosecutrix is a married woman and in her cross-examination she has admitted this fact stating that she was married with one Sumit Maan. She has further conceded having lodged F.I.R. under Section 376 IPC against one Tilak Raj, who has been acquitted in the case. She further admitted having got registered an F.I.R under Section 376 IPC against Sumit Maan, who was also acquitted in the criminal case. Similarly, she admitted having got an F.I.R registered against Sombir. According to learned counsel for the petitioner, the prosecutrix has been blackmailing various persons by getting wrong F.I.Rs registered against them so as to get money from such persons and present petitioner is also one of the victims at the hands of the prosecutrix. Learned counsel for the petitioner has further contended that even if it is taken that there were physical relations between the prosecutrix and the petitioner then prosecutrix was a consenting party and there is no question of petitioner having committed any rape upon her and preparing a video film in that regard.

Learned State counsel has contended that keeping in view the gravity of offence, petitioner is not entitled to bail. However, hearing the rival contentions and considering the facts and circumstances of the case including the fact that petitioner is behind bars for more than eight months and petitioner is not said to have any past criminal record, I find it a fit case to accept the present petition and grant benefit of regular bail to the

petitioner. Accordingly the petition is accepted and it is hereby allowed.

Petitioner Aniket is ordered to be released on bail on his furnishing bail

bond and surety bond to the satisfaction of the learned trial Court/CJM/Duty

Magistrate, Panipat subject to the following conditions :-

- (i) he shall appear in the Court on each and every date of hearing.
- (ii) he shall not give any threat or intimidation to the prosecution witnesses.
- (iii) he shall not leave India without prior permission of the Court and shall surrender his Passport, if he has got one, otherwise to furnish affidavit in that regard.
- (iv) he shall not indulge in any criminal activity.

In case the petitioner violates any term and condition on which the bail has been granted to him, the prosecution would be entitled to apply for cancellation of bail.

(H.S. MADAAN)
JUDGE

April 05, 2021
p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No