

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

CRM-M-11668-2021 (O&M)

Date of decision : 10.01.2022

Ankur Aggarwal

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR.JUSTICE RAJESH BHARDWAJ

Present: Mr. Kapil Aggarwal, Advocate
for the petitioner.

Mr. Rakeshinder Singh Sidhu, AAG, Punjab.

RAJESH BHARDWAJ, J. (Oral)

Matter has been taken up through video conferencing via Webex facility in the light of the Pandemic Covid-19 situation and as per instructions.

CRM-40684-2021

Application is allowed as prayed for.

Annexure P-6 is taken on record.

CRM-M-11668-2021

The present petition is filed under Section 439 Cr.P.C. by petitioner- Ankur Aggarwal seeking grant of regular bail in case FIR No.311 dated 08.08.2020 registered under Sections 376, 120-B of the Indian Penal Code at Police Station Zirakpur, District SAS Nagar (Mohali).

The FIR has been got registered by the prosecutrix on the basis of the allegations contained therein. As per allegations in the FIR, complainant/prosecutrix came in contact with the petitioner who was

Bureau Chief of Transparent News and promised her to publish her interview in his paper as husband of complainant who was journalist with Punjab Keshari was dismissed on 20.05.2019. She was having some dispute with her husband also. The petitioner promised her to get her appointed as a journalist for his newspaper. She started going to his office and on 24.01.2020, he took her to a hotel in Zirakpur and offered her some cold drink. After consuming the same she lost her senses and she gained consciousness at about 6.00am and found herself in a obscene condition. The petitioner committed rape upon her and when she opposed she was shown her video in his mobile which he threatened to make viral on the internet. A news was also published in Transparent News, Delhi on 29.01.2020. Thereafter, again she was raped by the petitioner by calling her in Sector-22, Chandigarh and then taking her to a hotel in Sector-42, Chandigarh. She was raped many times by the petitioner. At one occasion, the petitioner under the influence of liquor put a pistol on her forehead and forced her to come in a objectionable state in front of his nephew and cameras. He blackmailed her. Ultimately the FIR was lodged to take action against the culprit.

It has been contended by the counsel for the petitioner that the present FIR was earlier registered at New Delhi and later on the same was transferred to the Mohali Police. He has also submitted that the prosecutrix is 37 years of age and earlier also she filed the similar cases i.e. FIR No.143 dated 12.09.2018 registered in District Una (H.P.), FIR No.104 dated 22.10.2018 registered at Police Station, New Shimla and FIR No.69 dated 02.09.2019 registered at Police Station, New Shimla. He has placed on record copies of FIR No.143 and 104 as

Annexures P-3 and P-4. He submits that the lodging of the FIR against the petitioner is merely an abuse of the process of the Court. He submits that the petitioner was arrested on 15th October 2020 and thereafter, after framing of the charges the prosecution evidence also commenced. He submits that now the prosecutrix has been examined and though she has supported the case of the prosecution, however, in view of the material contradictions therein it is apparent that the petitioner has been falsely implicated in this case. He further submits that as the prosecutrix is of the age of majority and she has been duly examined by the trial Court and there cannot be any type of apprehension to be projected by the prosecution regarding interference in the ongoing trial at the behest of the petitioner. He submits that the prosecutrix is habitual litigant and the petitioner had been falsely implicated. In the overall facts and circumstances, the petitioner is entitled to be enlarged on bail.

Learned State counsel on instructions from ASI Ajit has vehemently opposed the submissions made by learned counsel for the petitioner. He submits that there are specific allegations against the petitioner. However, he candidly acknowledges that the prosecutrix is of the age of majority and has been examined by the learned trial Court. He has further submitted that there are 16 prosecution witnesses out of which only one prosecution witness i.e. the prosecutrix has been examined so far.

Heard.

The petitioner is behind bar since 15th October 2020 and the prosecutrix is of the age of majority and she is already stands

examined. In the totality of the facts and circumstances of the case when the challan is already stands presented and only one witness has been examined, the trial of the case will take sufficient time to conclude and no useful purpose will be served by keeping the accused in custody for such a long period. I find that learned counsel for the petitioner succeeds in making out a case for grant of bail.

Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate, SAS Nagar Mohali. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

(RAJESH BHARDWAJ)
JUDGE

10.01.2022
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No