

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(229)

CRM-M-10782-2022 (O&M)
Date of decision:- 16.05.2022

Raja @ Raj

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Gaurav Grover, Advocate for the petitioner.

Ms. Deepshikha Chauhan, AAG, Haryana.

...

SUVIR SEHGAL, J. (ORAL)

CRM-10900-2022

Application is allowed as prayed for.

Statement of the prosecutrix recorded under Section 164 of the Code of Criminal Procedure, 1973 is taken on record as Annexure P-4.

Main case

Instant petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 seeking grant of post-arrest bail in case FIR No.920 dated 02.12.2021, registered for offences under Sections 323, 341, 354-D, 376 (2) (n) and 509 of the Indian Penal Code, 1860, at Police Station Quilla-Panipat, District Panipat, Annexure P-1.

FIR, Annexure P-1, has been registered on the complaint of a 28 year old widow on the allegation that she was friend with Raja @ Raj (present petitioner), who had physical relations with her on the pretext of marriage. He not only clicked her intimate photographs and made videos,

but also threatened her, took her to different locations and sexually exploited her. When she refused to give in to his demands, he shared the photographs and videos with her colleagues forcing her to stay away from the job for almost one month.

Counsel for the petitioner submits that the prosecutrix, who has refused to undergo medical examination, was in consensual relationship with the petitioner. He submits that despite the fact that she has levelled allegations of sexual assault against the petitioner, but in her cross-examination, Annexure P-2, she has admitted that she kept fast on *Karva Chauth* for him and he had been giving her maintenance. Counsel asserts that the petitioner, who has a clean past and is in custody since 06.12.2021, deserves to be enlarged on bail as he is no longer required for custodial interrogation.

Per contra, learned State counsel, upon instructions from ASI, Sushila Devi, has opposed the petition on the ground that the allegations levelled against the petitioner are of a very serious nature. She submits that the prosecutrix has supported the allegations in her statement under Section 164, Cr.P.C., although she could not deny the fact that some of the incidents, which find mention in the FIR, could not be established as some crucial witnesses have been given up by the prosecution. Still further, she submits that nine out of fourteen prosecution witnesses have been examined.

Having considered the arguments addressed by counsel for the parties, this Court is of the view that complicity of the petitioner in the crime would remain debatable and the petitioner, who is in custody for the

last more than six months, would to be entitled to be released on bail as the trial is likely to take time to conclude.

Without adverting to the arguments addressed by counsel for the parties, petition is allowed.

The petitioner is ordered to be released on bail on his furnishing adequate bail/surety bonds to the satisfaction of the Area Magistrate/Duty Magistrate concerned.

It is clarified that nothing said hereinabove shall be construed to be an expression of opinion on the merits of the case.

(SUVIR SEHGAL)

JUDGE

16.05.2022

Kamal

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No