

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

Sr. No.203

CRM-M-11703-2022

Date of decision: 08.07.2022

Manoj

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Saurabh Dalal, Advocate
for the petitioner.

Ms. Sheenu Sura, DAG, Haryana.

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DEEPAK SIBAL, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.384 dated 15.08.2021 registered under Sections 201, 323, 354-A, 354-B, 376, 511 IPC and Section 66(E) and 67 of the Information Technology Act, 2000 at Police Station Old Sabzi Mandi, Rohtak.

The complainant filed a complaint with the police that the petitioner had been harassing her for the last 3-4 months; she had earlier got registered a rape case against the petitioner which she has got cancelled; since the petitioner did not mend his ways and continued to maintain physical relations with her and had also torn her clothes etc., she prayed for reopening of the case earlier got lodged by her.

On the basis of the above complaint, the police registered the FIR in question.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case when consensual relations (including physical relations) between the petitioner and the complainant turned sour; in the earlier FIR got lodged by the complainant against the petitioner she has herself acknowledged the fact that the petitioner and the complainant were living together as husband and wife; once the complainant had acknowledged the afore fact there is no question of the petitioner making illegal physical relations with her, as alleged; there is

no medical evidence to support the allegations of beatings by the petitioner to the complainant; there is also no medical evidence to show any injury on the complainant, in particular her private parts; the complainant is in the habit of filing false cases against the petitioner as and when they have a tiff; the investigation in the case is complete and therefore, the petitioner is not in a position to influence the same; the petitioner is in custody since 23.11.2021 and that in view of the afore facts further incarceration of the petitioner is unnecessary.

Learned State counsel opposes the grant of bail to the petitioner on the ground that the petitioner is accused of rape but does not dispute the fact that in the earlier FIR the complainant has referred to the petitioner as her husband as also that the investigation in the case is complete.

Keeping in view the totality of the above facts, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Rohtak, the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

July 08, 2022

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(DEEPAK SIBAL)

JUDGE

Whether speaking/reasoned

Whether reportable

Yes/No

Yes/No