

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

Sr. No.217

CRM-M-23280-2022

Date of decision: 25.07.2022

Raj Kumar @ Raje

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Raghav Sharma, Advocate
for the petitioner.

Ms. Sheenu Sura, DAG, Haryana.

Mr. Nirmal Singh, Advocate
for the complainant.

* * *

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.158 dated 20.02.2022 registered under Sections 328, 376, 120-B IPC and Sections 67 and 67-A of Information Technology Act, 2000 at Police Station Krishna Gate, District Kurukshetra.

Briefly stated, the case of the prosecution is that Paramjeet and Aman, who were the friends of the prosecutrix, introduced her to one Hardeep Singh who also became her friend. Later, Aman, Paramjeet and the petitioner alongwith Hardeep Singh enticed the prosecutrix into a hotel room where she was made to consume some intoxicating substance and raped by Hardeep Singh. The petitioner took her photographs/video and Paramjeet has forwarded them to her brother/Aman as also to Vinod-her boy friend. Later, the prosecutrix was also blackmailed and threatened by Hardeep Singh with a gun.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in this case only because he is known to the main accused - Hardeep Singh; the petitioner is in custody since 22.02.2022; the investigation in the case is complete and therefore, the petitioner is not in a position to influence the same; the case set up by the prosecutrix, who is a 31 year old lady with two young children, is highly improbable that she was allegedly 'enticed' by four persons and made to go into a hotel room; there is an unexplained delay of over 06 months in lodging of the FIR; even if the prosecution's case is taken as the gospel truth, though vehemently denied, the only allegations against the petitioner is of having taken pictures/videos of the prosecutrix; the alleged pictures placed on the record by the State can no where be described as obscene; in any case, there is no evidence with the State that such pictures were taken by the petitioner and that the petitioner's trial, which is yet to begin, will take a long time to conclude.

Learned State counsel as also learned counsel appearing for the complainant oppose the grant of bail to the petitioner on the ground that he took obscene pictures/video of the prosecutrix which were later used to blackmail her.

The alleged unexplained delay in the lodging of the FIR in question and the story of the prosecution with regard to 'enticing' of the prosecutrix, who is 31 year old lady, into a hotel room shall be debated during the course of the petitioner's trial. The trial shall also test as to whether the alleged pictures were in fact taken by the petitioner and if they were, whether they could be classified as obscene. Nonetheless, the petitioner is in custody since 22.02.2022; investigation in the case is

complete; there are no allegations of rape against the petitioner; the only allegation against the petitioner is that he took photographs/video of the prosecutrix and that the petitioner's trial, which is yet to begin, the same is likely to take a long time to conclude.

In view of the above, 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, Kurukshetra, 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 25, 2022
Jyoti 1

(DEEPAK SIBAL)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No