

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

214

CRM M-25379 of 2022

Date of Decision: October 11, 2022

Raghav Sharma

...Petitioner

Versus

State of Haryana

... Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Amit Arora, Advocate for the petitioner.

Mr. Karan Sharma, DAG, Haryana.

N.S.SHEKHAWAT, J. (Oral)

The petitioner has filed the instant petition under Section 439 Cr.P.C. with a prayer to grant regular bail in case FIR No. 34 dated 02.02.2021 under Sections 376(2)(n), 506, 450 of IPC registered at Police Station Women, NIT Faridabad, District Faridabad.

The FIR in the instant case was got registered by Mrs.G (name and identity of the complainant has been concealed in view of the provisions contained under Section 228-A of IPC), a married lady by alleging that in the year 2016, there was a rift between her and her husband. The petitioner, who is her husband's friend, had taken her number and started calling her. He assured the complainant that he would get the dispute settled with her husband and took her in confidence. He called her at his home one day and silently clicked her photographs. Thereafter, he started blackmailing her and forced her to have physical relationship with her. He further threatened that in case she did not agree, he would upload her photographs on social media

and will defame her. He started dominating her slowly and started abusing and beating her after taking alcohol. He forcibly established sexual relations with her on 07.11.2020, 10.11.2020, 13.11.2020, 16.12.2020 and 12.01.2021. He even threatened her that in case she disclosed this to anyone, he would kill her. Ultimately, the matter was reported and the FIR in the instant case was registered on 02.02.2021.

Learned counsel for the petitioner submitted that the complainant was a married lady and she remained silent for so long and chose not to report the matter to the police. Only general and vague allegations have been levelled by her and there is no independent evidence, which connects the petitioner with the crime. He further submitted that he was arrested in the instant case on 15.03.2022 and challan has been presented in the competent Court. He further submitted that no photographs were clicked and consequently there is no question of converting the same into nude photographs by using some technique. Still further, even before the complainant could be examined, she had expired and there are no chances of tampering with the prosecution evidence. Still further, nothing is to be recovered from the possession and his custody would serve no meaningful purpose. There are total 17 witness and only 4 witnesses have been examined so far. Consequently, the conclusion of the trial may take a long time. Even in terms of the last order, the Investigating Officer and three more witnesses have been examined and the petitioner deserves the concession of bail.

On the other hand, learned State counsel has vehemently opposed the bail application on the ground that he is the main accused and is not entitled for concession of bail.

I have heard learned counsel for the parties and considered the rival contentions made by them.

Going through the submissions, the petitioner is admittedly in custody since 15.03.2022 and there are 17 witnesses out of only only 04 have been examined and, thus, the trial is likely to take a long time. Nothing is to be recovered from the possession of the petitioner and his custody would serve no meaningful purpose.

Thus, taking into consideration the totality of the facts and circumstances and without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial on his furnishing bail bonds and surety to the satisfaction of the concerned trial Court/Duty magistrate/Chief Judicial Magistrate.

However, it is made clear that above observations have been made only for the limited purpose of deciding the present regular bail petition and the same would not be construed to be an expression of opinion on the merits of the case.

October 11, 2022
amit rana

(N.S.SHEKHAWAT)
JUDGE

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