

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 226

CRM-M-26742-2022

Date of decision : 08.08.2022

Rahul Kumar Sharma

..... Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.V.K.Gupta, Advocate, for the petitioner.

Ms.Sheenu Sura, DAG, Haryana.

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.68 dated 10.03.2022 registered under Sections 376 (2)(n) and 506 IPC at Police Station Sector 65, Gurugram.

The prosecutrix filed a complaint with the police as per which in October, 2020, when she was shifting her household articles from one place to another, she had engaged the services of the petitioner who used to drive a pickup vehicle. During the course of such shifting the petitioner stated that he wanted to marry the prosecutrix and on the pretext of such promise he raped her but later backed out of his promise. Her requests made to the petitioner to marry her fell on deaf ears and rather, the petitioner started to threaten and blackmail the prosecutrix.

On the basis of the above complaint, a case was registered against the petitioner under Sections 376(2)(n) and 506 IPC.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in this case; he is in custody since 10.03.2022; the prosecutrix, who is 30 years old, while appearing before the Trial Court as PW-

2 has stated that the petitioner and the prosecutrix had consensual relations; that

he never promised to marry her and he did not sexually exploit her.

Learned State counsel admits to the fact that the prosecutrix while appearing before the Trial Court as a witness of the prosecution has exonerated the petitioner of all the offences he is accused of.

In the light of the above statement of the prosecutrix as made by her in the petitioner's trial and because the petitioner is in custody since 10.03.2022 as also for the reason that his trial is likely to take a long time to conclude, the petitioner's further incarceration is considered unnecessary.

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, Gurugram, 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.

A perusal of the FIR reveals specific allegations by the prosecutrix against the petitioner of him having raped her. However, while appearing before the Trial Court the prosecutrix has given the petitioner a clean chit.

In the light of the above, the State shall consider to prosecute the prosecutrix for having lodged a false FIR.

08.08.2022
shamsher

Whether speaking/reasoned

Whether reportable

:

:

Yes / No

Yes / No

[DEEPAK SIBAL]

JUDGE