

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

(Sr. No. 205)

CRM-M No. 32955 of 2021

Date of decision : 15.03.2022

Rohtash

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

Present : Mr. J. C. Malik, 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.16 dated 09.02.2021 registered under Sections 376, 511, 323, 452 and 506 IPC (final report submitted under Sections 376(2) n, 120-B, 34, 506, 452 IPC and Section 66E, 67A of IT Act) at Police Station Pillukhera, Tehsil Safidon, district Jind.

The petitioner is being prosecuted for committing rape upon and beating the complainant as also for threatening her with life.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case; the petitioner is in custody since 11.02.2021; the petitioner has no other criminal antecedents; all the material prosecution witnesses, including the prosecutrix, have been examined before the Trial Court; only the official prosecution witnesses remain to be examined in the petitioner's trial; the allegations against the petitioner of having raped the prosecutrix for a period of six months are

apparently false as admittedly for such period the prosecutrix did not make any complaint with regard to the same to her husband or anyone else; the allegations against the petitioner of having taken obscene pictures of the prosecutrix are also false as no telephone of the petitioner was either taken into possession by the investigating agency or even examined; the only photograph of the prosecutrix which is attached with the report under Section 173 Cr.P.C. could not classify the same to be an obscene picture; in any case the telephone which was investigated by the investigating agency belongs to co-accused Bhajna alias Sunil Kumar; admittedly, the prosecutrix denied to get herself medico legally examined by saying that no rape has been committed upon her; report of FSL dated 08.03.2021 clearly opines that on none of the samples sent for forensic examination any semen could be deducted and that since 20 prosecution witnesses still remain to be examined in the petitioner's trial the same will take a long time to conclude.

Learned State counsel opposed the grant of bail to the petitioner on the ground that the petitioner had not only continuously raped the prosecutrix for a period of six months but also took obscene photographs of hers with which he later blackmailed her.

After considering the afore rival submissions, this Court is of the opinion that the present case is 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, Jind 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.

15.03.2022

sunil yadav

**(DEEPAK SIBAL)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No