

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

CRM-M-50153-2021

Date of decision : 18.02.2022

Parveen Kataria

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. J.P. Jangu, Advocate
for the petitioner.

Mr. Vishal Kashyap, DAG, Haryana.

RAJESH BHARDWAJ, J. (ORAL)

Prayer in the present petition is for grant of regular bail to the petitioner in case FIR No.418 dated 25.06.2021, under Section 376 of the Indian Penal Code, registered at Police Station Sector 10-A, District Gurugram.

As per facts of the case, the present FIR was registered by the prosecutrix (name concealed). It was alleged in the FIR that petitioner promised her for getting arrested Gorav Guliyani who was at large. He informed her that he was in Kasol and hence, asked her to meet in the midnight at 12.00 hours. Thereafter, he came in the car and made her smoke the weed and another intoxicant. Winning her confidence, he took her to OYO Hotel and there in the room, he again made her to take more intoxicants and forcibly established physical relationship with her. He did not return her Aadhar Card and thereafter, ran away. Request was made to

take legal action against him. In pursuance to the same, investigating agency commenced the investigation and petitioner was arrested on 01.07.2021. Petitioner approached learned Additional Sessions Judge (Fast Track Court), Gurugram for grant of bail, who after hearing counsel for the parties, dismissed the same vide his order dated 26.07.2021. Aggrieved by the same, petitioner approached this Court by way of filing the present petition.

Learned counsel for the petitioner vehemently contends that the petitioner and the prosecutrix, both are of the age of majority. He has submitted that petitioner has been falsely implicated in this FIR and the prosecutrix is a habitual litigant. He has invited the attention of this Court to the various FIRs already got registered by the prosecutrix against different persons and the same are FIR No.312 dated 07.09.2020, under Sections 376, 506 IPC, P.S. Rajindera Park, District Gurugram; FIR No.662 dated 07.11.2020, under Sections 323, 376(2)(n) IPC, P.S. Gurugram Sadar; FIR No.74 dated 08.03.2021, under Sections 376, 354-A, 323, 34 IPC, P.S. Sector-5, Gurugram; FIR No.82 dated 08.04.2021, under Section 376 IPC, P.S. Gurugram City; FIR No.82 dated 02.04.2021, under Section 376, P.S. Gurugram City; FIR No.74 dated 08.03.2021, under Sections 376, 323, 34, 354-A IPC, P.S. Sector-5 Gurugram (Annexures P-2 to P-8). He submits that now as per his information, prosecutrix has been arrested in one honey trap case and she is behind the bars in Karnal. He further submits that on the earlier occasion also petition bearing No.CRM-M-25822-2021 was filed in this Court wherein, this Court had directed the Commissioner of Police, Gurugram to file status report in response to the contentions raised therein. The petition was disposed of vide order dated 16.08.2021. Learned counsel

has further contended that the relationship at the most, between the petitioner and the prosecutrix would be consensual which is apparent from the fact that the Manager of the Hotel OYO i.e. Mr. Gaurav has been examined by the trial Court as PW-3 wherein, during his examination, he has deposed that both the prosecutrix and the accused came in his hotel on 25.06.2021. He deposed that accused and the prosecutrix appeared calm and composed and were not under the influence of any liquor or drugs. Learned counsel has further submitted that the allegations of the prosecutrix are false and frivolous in view of the deposition made by the prosecution witness i.e. PW-3 and her conduct is writ large from the various FIRs of the same nature which she is lodging against different persons. He submits that the petitioner is a young boy of 25 years of age.

Learned State counsel opposes the submissions made by learned counsel for the petitioner. He submits that the trial is in progress. He further submits that there are specific allegations against the petitioner in this case. However, he candidly acknowledges that the various FIRs are lodged by the prosecutrix. He submits that three FIRs have been cancelled and rest are pending trial.

I have heard learned counsel for the parties and perused the records.

Petitioner is behind the bars since 01.07.2021. Both the prosecutrix and accused are of the age of majority. Investigation is already complete. This Court would refrain from commenting anything on the merits of the case at this stage, however, the same would be assessed by the trial Court in view of the evidence to be led before it by the parties. In the

overall facts and circumstances of the case, it is apparent that the trial of the case will take sufficient time and no useful purpose will be served by keeping the petitioner in custody for such a long time. Keeping in view the abovesaid facts, this Court finds that learned counsel for the petitioner has succeeded in making out a case for grant of regular bail. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

18.02.2022
m. sharma

(RAJESH BHARDWAJ)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No