

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

CRM-M-52766 of 2021 (O&M)

DECIDED ON: 5th December, 2022

Deepak

.....PETITIONER

VERSUS

State of Haryana

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. S.N. Sahu, Advocate for
Mr. Rakesh Gupta, Advocate for petitioner.

Ms. Geeta Sharma, DAG Haryana.

AVNEESH JHINGAN, J (ORAL)

This is second petition seeking regular bail in case of FIR No. 19 dated 10.1.2020, under Sections 354, 370, 376, 506, 120-B IPC and Sections 25 of Arms Act (Act No.54), 1959, registered at Police Station Adarsh Nagar, District Faridabad.

The brief facts are that in the FIR it was narrated that the complainant had solemnized marriage twice. First husband died. After dispute with the second husband, she was staying with Pooja and Ajit. Thereafter her marriage was solemnized with Kundan. On 5th January, 2020, Deepak (petitioner), Pooja and Ajit came to in-laws house of the complainant, showed a country-made pistol and asked her to give divorce to Kundan, otherwise they will kill her husband. On 7.1.2020 mutual divorce took place. The complainant was staying in a rented accommodation, on 7.1.2020 petitioner inappropriately touched the upper body part of the prosecutrix, on gun point threatened that she should perform marriage with him and he would leave his wife. On 9.1.2020, Ajit without her consent made physical relationship with her, she was able to

Learned counsel for the petitioner submits that the petitioner is in custody since 11.1.2020. Statement of prosecutrix was recorded under Section 164 Cr.P.C. and she has also deposed before the Court. The petitioner is not involved in any other case.

Learned State counsel opposes the prayer and submits that the prosecutrix has consistently supported the allegations in her statement under Section 164 Cr.P.C. and while deposing in the trial Court. She further submits that the petitioner was identified by the prosecutrix in the Court.

The petitioner was named in the FIR and specific role has been attributed; the prosecutrix has consistently supported the allegations under Section 164 Cr.P.C. and in her deposition before trial Court, considering the seriousness of the allegations and the fact that the petitioner would be in a position to influence the prosecutrix and the witnesses, no case is made out for grant of bail.

Dismissed.

Since the main case has been dismissed, the pending application, if any is rendered infructuous.

5th December, 2022

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(AVNEESH JHINGAN)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>