

206 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARHCRM-M-53852-2021
Date of Decision: 06.01.2022

Anuj @ Jehri

... Petitioner

v/s

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Ravinder Hooda, Advocate for the petitioner.
Mr. Zorawar Singh Chauhan, DAG Haryana.*(The case has been taken up through video conferencing on
account of Covid-19 pandemic)*

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VIVEK PURI, J. (ORAL)

In pursuance of the advance notice, Mr. Zorawar Singh Chauhan, DAG Haryana has put in appearance on behalf of the State and has filed the custody certificate.

The petitioner has prayed for grant of regular bail in case FIR No.260 dated 09.11.2020, under Section 354, 376(2)(n), 506, 201, 34 of IPC, 1860 registered at Police Station Civil Lines, District Rohtak.

Briefly, the FIR has been registered on the basis of allegations that the prosecutrix is a divorcee and she became friendly with Amit Hooda, co-accused who allured her for marriage. The prosecutrix had been meeting Amit Hooda and he developed physical relations against her wish. Amit Hooda had called the prosecutrix in the Hotel room on 4-5 occasions and committed wrong act with her. He had also been assuring the prosecutrix to solemnize marriage with her. In September 2020, Amit Hooda had taken gold chain of the prosecutrix for attending a party and did not return back despite demand. Whenever Amit Hooda, co-accused used to call the prosecutrix in the Hotel, his friends Anuj, petitioner and Bunty had been accompanying him who used to eve-tease her.

Learned counsel for the petitioner contends that there is no

allegation of commission of rape or guarding the premises for facilitating the co-accused in commission of rape upon the prosecutrix. The only allegation against the petitioner and co-accused namely, Bunty is to the effect that they had been indulging in eve-teasing and were friends of Amit Hooda.

It has been further stated that similarly placed co-accused Bunty has been found innocent. The investigation of the case is complete and challan has already been presented in the Court.

Learned State counsel, on instructions of ASI Mamtesh, has not assailed the aforesaid factual aspect of the case.

In the instant case there is no allegation of commission of rape or guarding or facilitating the commission of rape by the co-accused levelled against the petitioner. The similarly placed co-accused Bunty has been found to be innocent and the allegation against the petitioner is only to the extent that he was indulging in eve-teasing. The custody certificate indicates that the petitioner is in custody for the last 11 months and 29 days and not involved in any other case. The investigation of the case is complete and the challan has already been presented in the Court.

Considering the above and the fact that the trial is likely to consume some time, further detention of the petitioner may not be justified. Therefore, without making any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

The petition is allowed.

06.01.2022
Janki

(VIVEK PURI)
JUDGE

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