

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

CRM-M-54595-2022

Date of Decision: 01.12.2022

Rockey @ Abdullah Khan

..... Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. S.P.S. Khaira, Advocate, for the petitioner.

Mr. B.S. Virk, Deputy Advocate General, Haryana.

Rajesh Bhardwaj, J. (ORAL)

Prayer in the present petition is for the grant of regular bail to the petitioner in a case FIR No.49 dated 12.06.2021, registered under Sections 376(2)(n), 354-C, 506 IPC, at Women Police Station Manesar, Gurugram.

As per factual matrix of the case, the present FIR was lodged by the prosecutrix herself (name concealed), wherein, it was alleged that Rockey @ Abdullah Khan i.e. the petitioner was CEO and co-founder of Green Orbit Film Production Pvt. Ltd. He employed the prosecutrix on the post of Head HR in his company in December, 2020. Thereafter, she asked Rockey to increase her salary then he promised her to appoint on the post of Personal Assistant MD in addition to Head HR. He also promised her to increase her salary. On 05.02.2021, Rockey came to her flat under the influence of liquor and made physical relations with her against her wish. He threatened her not to divulge anything about the same, otherwise he will share her pictures, with the employees of the company. Thereafter, he started to come to her flat and promised her to marry her. On the promise of

marriage, he kept on making physical relations with her. He also took an amount of Rs.8-9 lacs from the prosecutrix. Time and again, he started threatening her that he would make her pictures viral on social media. A complaint was lodged with a request to take legal action against the culprits. On the basis of the complaint, the FIR was lodged and investigation commenced and statements of the witnesses were recorded by the Investigating Agency. The prosecutrix refused to give her consent for medical examination and hence, she could not be medically examined. The petitioner was arrested on 19.06.2021. He approached the Court of learned Additional Sessions Judge, Fast Track Court, Gurugram for grant of bail, who, after hearing the parties, declined the same vide order dated 20.09.2021. Aggrieved by the same, the petitioner has approached this Court by way of filing the present petition for grant of bail.

It has been contended by learned counsel for the petitioner that the petitioner and the prosecutrix both are of the age of the majority. He submits that the petitioner has been roped in by the prosecutrix clandestinely. He submits that from the bare perusal of the allegations made by the prosecutrix, false implication of the petitioner is writ large as the allegations appears to be totally improbable on the face of it. He has submitted that even if the allegations are taken to be true, even then the relationship between the petitioner and the prosecutrix would be a consensual one. He submits that the prosecutrix herself deposed that she remained with the petitioner from February, 2020 to 4.6.2021. He submits that in view of the facts and circumstances of the present case, offence under Section 376 IPC would not be attracted. He has vehemently contended that though there are allegations that the petitioner threatened the

prosecutrix to make her obscene pictures viral, however, mobile phone of the petitioner was taken in to custody by the Investigating Agency and on examination of the same, no incriminating material was found and thus, the allegations were found to be false. He further submits that the trial Court has already examined the material witnesses including the prosecutrix and thus, the petitioner is not in a position to influence the prosecution witnesses in case benefit of bail is granted to him.

On the other hand, learned State counsel has opposed the submissions made by learned counsel for the petitioner and has submitted that there are specific allegations made by the prosecutrix against the petitioner. He submits that the petitioner established physical relations with the prosecutrix by extending promise of marriage. He submits that the prosecutrix has supported the case of the prosecution throughout. He further submits that out of total 14 prosecution witnesses, 6 witnesses including the prosecutrix have been examined.

Heard.

Evidently, the prosecutrix and the petitioner are of the age of the majority and the allegations made by the prosecutrix against the petitioner are that he established physical relations with the prosecutrix on the promise of marriage. The allegations pertaining to making obscene photos of the prosecutrix viral were not substantiated during the course of investigation. The material witnesses including the prosecutrix already stand examined and hence, there is no probability of the petitioner influencing the prosecutrix and other prosecution witnesses. There is nothing on record showing that the petitioner has any criminal antecedents.

The veracity of the allegations would be evaluated by the trial Court only

after appreciation of the complete evidence led by both the parties. This Court would refrain itself from commenting anything on the merits of the case, however, considering the prayer for grant of bail to the petitioner, I am of the view that learned counsel for the petitioner has been able to make out a case for grant of regular bail to the petitioner. The trial would take sufficiently long time for its conclusion.

Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail 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.

01.12.2022		(RAJESH BHARDWAJ)
sharmila		JUDGE
	Whether Speaking/Reasoned :	Yes/No
	Whether Reportable :	Yes/No