

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

208

CRM-M-5999-2023 (O&M)
Date of Decision:-10.02.2023

Kamal Lamba

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Dr. Pankaj Nanhera, Advocate for the petitioner.

Mr. Brijesh Sharma, AAG, Haryana.

ALOK JAIN, J. (Oral)

Prayer is for grant of regular bail to the petitioner in case FIR No. 691 dated 13.08.2022, under Sections 376(2)(n), 506 and 509 of IPC and Section 420 of IPC (added later on), registered at Police Station Azad Nagar, Hisar.

Learned counsel for the petitioner has submitted that the entire story in the FIR is concocted and suffers from material lapses. There is an unexplained delay of four months and in fact, the relationship was consensual. He relies upon the various photographs of the petitioner and the prosecutrix, which nowhere show any remorse, or any force exerted, neither it shows that any intoxication had been done.

At this stage, Mr. Ajit Lamba, Advocate has put in appear on behalf the complainant.

Learned State counsel with the assistance of learned counsel for the complainant submits that in fact the challan has been filed but the FSL report is still awaited for framing of charges.

Learned counsel for the complainant has vehemently argued that after the prosecutrix and the petitioners were recovered by the police, thereafter, the petitioner has been repeatedly threatening the prosecutrix of dire consequences and he submits that grant of bail would entail the petitioner to tamper with the evidence and pressurize the witnesses including the prosecutrix.

After hearing, learned counsel for the parties and a perusal of the FIR, and in light of the averments made by learned counsel for the petitioner, coupled with the facts that the petitioner is behind bars since 23.09.2022, and in fact, the petitioner as well as the prosecutrix were recovered by the police, that itself goes along with to show that apparently there was a consensual relationship.

The trial is likely to take long time, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting upon the merits, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

In case, it is found that the petitioner violates any of the conditions of the bail, the complainant is at liberty to approach the State for filing the cancellation of bail.

The petitioner is directed not to intimidate either himself or

through any third person, to any of the witnesses and/or the prosecutrix in any manner whatsoever.

However, nothing stated above shall be construed as a final expression of opinion on the merits of the case.

10.02.2023
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(ALOK JAIN)
JUDGE

Whether speaking/reasoned:-	Yes/No
Whether Reportable:-	Yes/No