

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

Sr. No.: 223

CRM-M-19152-2023

Date of Decision: April 24, 2023

RAVI KUMAR ALIAS RAVI SHARMA

....PETITIONER(S)

VERSUS

STATE OF HARYANA

....RESPONDENT(S)

...

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

...

PRESENT: Mr. Rao Ajender Singh, Advocate
for the petitioner.

Ms. Ankita Ahuja, AAG, Haryana.

TRIBHUVAN DAHIYA, J(ORAL)

1. This is a petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No.429 dated 19.12.2022 under Sections 366, 376, 506 of IPC, 1860, and Section 3(1)(w) of Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, registered at Police Station Dharuhera, District Rewari.

2. Briefly, the allegations levelled by the complainant/victim, aged 26 years, are that she and her husband decided to change their residence, and contacted the petitioner for taking a house on rent. The petitioner called her on the pretext of showing the rented accommodation. She reached there along with her daughter, aged about two and half years. The petitioner went inside the house and ask her to see the room. When she entered, he bolted the door and forced her to do wrong act with him, threatening to kill her daughter otherwise. Thereafter, she was raped there. On reaching back

home, she apprised about the incident to her husband and the FIR was lodged.

3. Learned counsel for the petitioner contends that the allegations are false. It is only to extract money from the petitioner that he has been implicated in this case. The complainant is habitual of making such allegations. He has referred to an earlier FIR No.135 dated 02.05.2019 under Section 376 and Section 3(1)(L) of Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, (Amendment Act 2015) lodged by her against one Naveen Yadav @Sonu on similar allegations of rape. Later, the complainant turned hostile in the case and the accused/Naveen Yadav was acquitted by the trial Court. It is further contended that in the instant case, as per the MLR, no injury is found on the person of the complainant. The petitioner is in custody since 19.12.2022 and has no other case pending.

4. Learned State counsel on instructions from SI Ram Chander, does not dispute the facts afore-stated. She, however, opposes the grant of regular bail on the ground that charges against the petitioner have been framed and one, out of 21, witnesses has already been examined. The complainant did not appear before trial Court on the last date to testify, and the trial was adjourned to 19.07.2023 for the purpose.

5. The Submissions made by learned counsel for the parties have been considered.

6. The complainant is a mature lady. Earlier also she had lodged an FIR alleging rape, and turned hostile during trial. In the instant case, she has failed to appear so far, despite having been summoned. Culpability of the petitioner is a matter of trial which will take some time to conclude as 20 prosecution witnesses are still to be examined. In these circumstances, no

longer who has no criminal antecedents.

7. Accordingly, petition is allowed and the petitioner is directed to be released on regular bail subject to the satisfaction of the trial Court/Duty Magistrate concerned.

(TRIBHUVAN DAHIYA)
JUDGE

April 24, 2023
PrinceChawla

Whether Speaking/Reasoned:
Whether Reportable:

Yes/No
Yes/No