

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRA-S-2265-2023

Date of Decision: 25.08.2023

Satbir

.... Appellant

Versus

State of Haryana

.... Respondent

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Vineet Chaudhary, Advocate for the appellant.

Mr. Brijesh Sharma, AAG, Haryana.

NIDHI GUPTA, J. (ORAL)

The appellant has filed the present appeal against the impugned order dated 14.07.2023, passed by the learned Additional Sessions Judge-cum-Special Judge, Fast Track Court, Faridabad, vide which the third regular bail application of the appellant in case FIR No. 175 dated 25.10.2022 (Annexure P-1) registered under Sections 376(2)(n), 450 and 506 IPC and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes Act, 1989, at Police Station Jakhal, District Fatehabad, was dismissed.

The aforesaid FIR (Annexure P-1) was registered on the basis of statement of the victim/complainant which is reproduced as under:-

“Stated that I am employed in High School Rattatheh in midday meal. I am illiterate and can only write my name. My marriage was solemnized in the year 2010 with Amit Singh son of Mukhtiar Singh, resident of Rattatheh. From

this wedlock, I have a daughter namely Komal. My husband is a driver and usually stays outside the home. My husband has a car bearing No. HR/23F/3586 model Desire, on which we had a driver namely Satbir, resident of Sidhani. In the month of January, 2022, I was very ill, due to which Satbir brought me to Bhatia Nursing Home, Tohana in our car for getting me medicine. After that, we took the medicine and returned back to home. During that period, due to being ill, I was under the influence of medicine. Satbir took advantage of my condition and forcibly committed a wrong act with me. At that time, it was about 9:00 P.M., I do not remember the date. When I got conscious, there was no clothes on my body and Satbir was also present near me. Thereafter, Satbir pressurized me to give money to him, otherwise I will defame you. After which, I thorough Google Pay and in cash, paid money may times to Satbir. Even after this incident, Satbir also kept on committing wrong act with me in my house and he also threatened to kill me and my family in case I told anyone about this incident. Due to fear, I did not tell anyone about this incident and now Satbir is asking me for a money by selling my house and now I do not want to give him any money. It told my husband about the act committed by Satbir with me. After that I have come to the police station to give a statement along with my husband. I humbly request you to take an action against Satbir.”

Learned counsel for the appellant, *inter alia*, submits that the appellant is the driver of the victim, who is 32 years old married woman. As per the FIR, the alleged incident was of January, 2022, whereas the present FIR was registered on 25.10.2022. Even as per MLR dated 27.10.2022 (Annexure P-2), nothing has been found against the appellant. Therefore, it is submitted that the allegations in the FIR are totally false and fabricated. The appellant is in custody since 04.11.2022. The trial is likely to take long time. No useful purpose will be served by further detention of the appellant in custody. The appellant is not involved in any other case. Thus, it is prayed that he may be released on regular bail.

Per Contra, learned counsel for the State vehemently opposed the submissions of learned counsel for the appellant. Learned

counsel for the State submits that custody certificate of the appellant is not available. He further submits that out of total 28 prosecution witnesses, 20 have already been examined and the victim in her testimony as PW-4, has fully supported the prosecution case.

Having heard learned counsel for the parties, but without commenting on merits of the case, keeping in view the totality of the facts and circumstances of the case, as well as the fact that conclusion of trial will take some time, the present appeal is **allowed**.

The appellant-Satbir, is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

25.08.2023
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(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No