

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

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CRM-M-55035 of 2022

Date of decision : 08.02.2023

Priksht Kumar

... Petitioner

Versus

State of Punjab

.. Respondents

CORAM : HON'BLE MRS.JUSTICE AMARJOT BHATTI

Present : Mr.Pardhuman Garg, Advocate
for the petitioner.

Mr.M.S.Joshi, Addl. AG, Punjab.

Amarjot Bhatti, J.

Petitioner – Priksht Kumar has filed the instant petition under Section 439 Cr.P.C. for grant of regular bail in FIR No.230 dated 14.07.2022 under Section 376 IPC registered at Police Station Dera Bassi, District Mohali.

As per the facts of the case, the prosecutrix gave her statement to the police that she was working in Amber Electric Factory as a partner where Priksht Dhiman was also working as a partner for the last 03 months. Earlier, he had misbehaved with her and for this reason, she had slapped him and lateron, he apologized. On 09.07.2022 at about 8 p.m., she wanted to go back home but he told her that the work was still pending. The shutter of the shop was closed and it was locked. He started saying that he was facing financial issue. She consoled him and told him to open the shutter as she was feeling uncomfortable. In the meantime, Ravi knocked the shutter but he did not open it. Thereafter, she became unconscious and when she regained her senses, she was not wearing her clothes properly and it appeared that he did wrongful act with her. She received a call from her

husband Amit, but the accused told her to tell him that she was in the market. Thereafter, Prikshit Kumar opened the shutter and he was dropped in her car where his motorcycle was parked. On reaching home, she disclosed about the occurrence to her mother-in-law. She along with her husband approached the police and lodged the report. With these allegations, the present FIR has been registered.

Learned counsel for the petitioner argued that all the allegations levelled against him are false, in fact, the prosecutrix was having extra marital affairs with the petitioner. Both of them are married. The counsel for the petitioner referred to the photographs, Annexure P-2. The prosecutrix has concocted a false story. He also referred to the MLR of the prosecutrix, Annexure P-4 in which there is specific opinion that there is no evidence of recent sexual assault. He was arrested by the police on 26.07.2022 and since then, he is in judicial custody. He is ready to abide by the terms of the bail order. It is prayed that his regular bail application may be allowed.

The bail application is opposed by learned counsel representing the State. Detailed status report is also filed. It is argued that there are specific serious allegations against the petitioner. However, the statement of the prosecutrix could not be recorded under Section 164 Cr.P.C. as she did not turn up despite several notices. The challan in this case has been presented on 24.10.2022. The charge in this case is yet to be framed. It is argued that considering the gravity of offence, the petitioner is not entitled to be released on bail.

I have considered the arguments and have gone through the record carefully. The prosecutrix is a married lady aged about 32 years. She has levelled allegation of rape against the petitioner. On the other hand, the

petitioner has claimed that both of them are married and were having extra martial affairs with each other. He has placed on record the number of photographs. The MLR of the victim is on the file. Moreover, the investigation has been completed. The trial of this case may take long time as the charge-sheet is yet to be framed. The petitioner is behind bars since 27.07.2022.

Considering the aforesaid facts, without expressing my mind on the merits of the case, the regular bail application filed by the petitioner- Prikshit Kumar is allowed. He is ordered to be released on bail to the satisfaction of trial Court/Duty Judge concerned.

The petition is accordingly, accepted.

08.02.2023
sd/lalit

(AMARJOT BHATTI)
JUDGE

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