

2023:PHHC:161866
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

203

CRM-M-57926-2023
Date of Decision: 16.12.2023

ROHTASH

...Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM:- HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present:- Mr. Akshay Jindal, Advocate with
Mr. Pankaj Gautam, Advocate and
Ms. Bhavya Vats, Advocate
for the petitioner.

Mr. Amrik Singh Narwal, DAG, Haryana.

HARPREET KAUR JEEWAN , J. (ORAL)

1. Prayer in the present petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case bearing FIR No.75 dated 13.04.2023 registered under Sections 328, 376, 506 IPC at Police Station Sector-37, District Gurugram.
2. The petitioner is facing trial in the present case, which has been registered at the instance of the complainant, with the allegations that the petitioner has committed rape upon the complainant.
3. Reply by way of an affidavit Surrender Sheoran, HPS, Assistant Commissioner of Police, Manesar, Gurugram has been filed on behalf of respondent-State, which is taken on record.
4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. The prosecutrix is 47 years old woman. Both the prosecutrix and the petitioner were posted in same office in security. The contentions of the prosecutrix is that she was made to consume something in the cold drink given by the petitioner and as such she felt dizziness. This fact has been falsified on the ground that she had herself called the police helpline No.112 and

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also called her son after the incident. Even this fact has been verified in para No.4 of the status report filed on behalf of respondent-State that as per record of Emergency Response Support System (ERSS), the petitioner had called at the police helpline No.112 on 12.04.2023 seeking help. Thereafter, first call was made at 19:36:42 hrs and after disconnection, the second call was made at 19:38:17 hrs. He further submits that the material witnesses including the prosecutrix have already been examined and the petitioner undertakes not to tamper with the prosecution evidence during the trial.

5. On the other hand, learned State counsel opposes the bail on the ground that the allegations levelled against the petitioner are serious in nature. However, on instructions from Investigating Officer submits that investigation qua the petitioner is complete and challan has already been presented.

6. The allegations are matter of trial, however keeping in view the fact that investigation is complete; challan has been presented and material witnesses including the prosecutrix have been recorded, the present petition is allowed.

7. The petitioner is ordered to be released on regular bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

8. Nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.

(HARPREET KAUR JEEWAN)
JUDGE

16.12.2023
P.Bhatt

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No