

ROHTASH

V/S

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Pankaj Nanhera, Advocate with
Mr. Rahul Gautam, Advocate
for the petitioner.

Mr. Vikas Bhardwaj, AAG, Haryana.

HARPREET SINGH BRAR J. (ORAL)

1. This is the first petition filed under Section 439 Cr.P.C. seeking regular bail to the petitioner in case bearing FIR No.710 dated 12.09.2023 registered under Sections 376(2)(n), 506, 406, 420 IPC at Police Station Sector 8, Faridabad, District Faridabad, Haryana (Annexure P-1).

2. Brief facts of this case are that the present case was registered on the complaint of prosecutrix 'M' (name withheld in order to protect her identity), who had alleged that in the month of September, 2022 she went to SBI Bank, Neelam Flyover, Faridabad for getting Adhar card of her daughter prepared, where she met with the petitioner, who was posted as Security Guard there. He told that Adhar card of her daughter could not be prepared as the machine was not functional. Thereafter, the petitioner had asked for her mobile phone as he would inform her when the machine would be O.K. After some days, the petitioner met her in her colony and asked her to visit SBI for getting prepared Adhar card of her daughter. Next day, she visited

SBI, where petitioner got prepared Adhar card of her daughter. After three days, the petitioner called her and expressed his desire to meet her. Thereafter, the petitioner repeatedly called her, but she did not pick up his phone calls, upon which the petitioner started visiting her colony and ultimately she started talking with him on his insistence. On 10.02.2023, when her husband was away on his duty, the petitioner came to her house and forcibly made physical relations with her against her wishes. Thereafter, the petitioner had taken her cash amount of Rs. 1,12,000/- for the purpose of converting it in to a Fixed Deposit. When she asked about her money, the petitioner informed that her FD and money was safe. Thereafter, the petitioner repeatedly made physical relations with her and also clicked her obscene photographs, on the basis of which, petitioner started blackmailing her by threatening to viral her said photographs on social media. Accordingly, she narrated the incident to her husband. When her husband called the petitioner, he threatened to kill him as well as his entire family, in case he would initiate any legal proceedings against him. Accordingly, on the basis of these facts, FIR in question was registered and law was set in to motion.

3. Learned counsel for the petitioner *inter alia* contends that the date of incident as alleged in the FIR (supra) is 10.02.2023 and the FIR was registered after a delay of 07 months on 12.09.2023. The age of the prosecutrix is 32 years and she is married having 03 children. The petitioner is 52 years old and is married having children. It is further contended that the photographs and screenshots of the video call (Annexure P-3), clearly indicate that the petitioner and prosecutrix were in consensual relationship. The medico-legal examination of the prosecutrix reveals nothing as the same was conducted on 12.09.2023, much after the alleged incident. It is further contended that the FIR (supra) was registered against the petitioner only after the husband of the complainant got

to know about their relationship. The investigation has already been completed.

4. Per contra, learned State counsel, on instructions from ASI Javed, opposes the prayer of the petitioner on the ground that he is accused of heinous crime and there are specific and serious allegations against the petitioner.

5. Having heard learned counsel for the parties and after perusing the record of the case with their able assistance, it transpires that the investigating agency has already concluded the investigation and filed the final report under Section 173 Cr.P.C. and the trial of the case is likely to take long time. The petitioner is behind the bars since 06 months and 28 days. Culpability, if any, would be determined at the time of the trial. No useful purpose shall be served by further detention of the accused/petitioner.

6. In view of the above, the present petition is allowed. Thus, without commenting upon the merits of the case lest it may prejudice the outcome of the trial, the petitioner-Rohtash is ordered to be released on regular bail during trial on his furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court.

7. Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court.

April 19, 2024
manisha

(HARPREET SINGH BRAR)
JUDGE

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|------|---------------------------|--------|
| (i) | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable | Yes/No |