

Sr. No.226

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

**CRM-M-58671-2023
Date of decision: 25th January, 2024**

JITENDER @ JITENDER PURI**Petitioner**

versus

STATE OF HARYANA**Respondent**

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Ashok Giri, Advocate
for the petitioner.

Mr. Kirpal Singh Thakur, AAG, Haryana.

Mr. Sandeep Saini, Advocate
for the complainant.

HARPREET KAUR JEEWAN, J. (ORAL)

1. The instant petition has been filed by the petitioner under Section 439 of the Code of Criminal Procedure, 1973 seeking regular bail in case FIR No.335 dated 13.07.2022, under Sections 201, 376(2)(n), 376(2)(f), 406, 506 of IPC, registered at Police Station City Jind, District Jind.
2. It is in allegation against the petitioner that the petitioner is son of the uncle of complainant's husband. They became friends about 03 years ago and the petitioner committed rape of the complainant in Abhinandhan Hotel, Jind on the pretext of procuring a job for her. He has also taken a sum of Rs.3,00,000, gold chain and a ring from the complainant and extended threats to the complainant. The husband of the complainant is working in BSF.
3. Learned counsel for the petitioner *inter alia* contends that the petitioner is in custody since 10.03.2023. He has been falsely implicated in the present case as it was a consensual relationship. The complainant is major, about 27 years of age and

having a child whereas, the petitioner is 22 years of age. He is himself doing a private job, so there is no question of procuring a government job for the complainant.

4. Mr. Sandeep Saini, Advocate has caused appearance on behalf of respondent No.2/complainant and filed his power of attorney which is taken on record. The bail was opposed on the ground of gravity of allegations levelled against the petitioner.

5. Learned State counsel has filed status report by way of affidavit of Sh. Joginder Singh, Deputy Superintendent of Police, Jind Headquarter, District Jind, on behalf of respondent-State of Haryana and the same is taken on record. Learned State counsel, on instructions from SI Satish, has confirmed the fact that the petitioner is in custody since 10.03.2023. Learned State counsel contends that investigation is complete and final report under Section 173 Cr.P.C. has been presented. There are total 26 witnesses, out of which, only one has been examined. The statement of the prosecutrix has been recorded during trial.

6. Investigation is complete and the final report under Section 173 of the Code of Criminal Procedure has been presented before the trial Court; the material witnesses have been examined; the trial will take some time to conclude; and there is no apprehension of absconding the petitioner during the trial. Without commenting on the merits of the case and keeping in view the above facts, the present petition is allowed.

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

(HARPREET KAUR JEEWAN)
JUDGE

25th January, 2024
sim