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

CRM-M-46307-2024

Date of Decision:- 21.03.2025

T.M. RAJESH KUMAR

....Petitioner

Vs.

UT OF CHANDIGARH

...Respondent

CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Sumit Bajaj and Mr. Jashan Bains,
Advocates for petitioner.

Mr. Manish Bansal, PP, UT, Chandigarh.

AMARJOT BHATTI, J. (Oral)

1. Petitioner has filed instant petition under Section 439 Cr.P.C. for grant of regular bail in FIR No.139 dated 10.08.2023 under Sections 376 and 328 of IPC (Section 376 (2) (n) and Section 386 of IPC added later-on) registered at Police Station Sector-11, Chandigarh (Annexure P-1).

2. As per facts of the case, prosecutrix gave her statement that she is widow lady serving as Staff Nurse since April, 1997 in PGI, Chandigarh. Her husband expired in road accident in the year 2016. Accused was working as dental technician in the same office where she was working. Due to dental problem, T.M. Rajesh Kumar visited her house on 16.12.2017. She



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offered him a cup of tea and he very cleverly laced some intoxicant in her tea and after consuming it she became unconscious. He developed physical relations and prepared obscene video in his mobile phone. Thereafter, he started blackmailing her and pressurized to maintain physical relations with him. He was continuously threatening her that he will viral her video on social media. He started raising demand for money. Due to continuous blackmailing, she transferred Rs.36 lakhs from her account in the account of accused which she had received on sale of her plot. In May, 2018 he resigned from job and he continued to blackmail her. She tried to approach the police but he gave her beating. She was forcibly taken to Hotel in Delhi and made physical relations without her consent. He committed rape with her against her wishes and demanded cash amount as detailed in the FIR. Ultimately, matter was reported to the police.

3. Counsel for petitioner argued that all allegations levelled by the prosecutrix are false. Petitioner was arrested in this case on 13.09.2023 and since then he is behind the bars. Trial in this case is going on. During this period, prosecutrix has expired. He is ready to abide by the terms of bail order. Therefore, his regular bail application may be allowed.

4. Facts of the case and the present status of the trial is admitted. Learned counsel representing UT, Chandigarh confirmed that prosecutrix has expired. However, allegations are serious. Challan was presented on 06.10.2023 and thereafter supplementary challan was also presented on 06.03.2024. Chargesheet was framed on 01.04.2024. Till date, 9 prosecution



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witnesses have been examined out of the list of 29 PWs. Considering the gravity of offence, bail application is opposed.

5. I have considered the aforesaid factual position. Admittedly, as per the custody certificate, petitioner is behind the bars for the last 1 year and 6 months approximately. Prosecutrix has already expired. Statement of other witnesses are being recorded. Charges were framed on 01.04.2024 and till date 9 witnesses have been examined. Conclusion of trial is likely to take some time. Considering the aforesaid factual position, without expressing my mind on the merits of the case, regular bail application filed by petitioner T.M. Rajesh Kumar is allowed and he is ordered to be released on bail to the satisfaction of trial Court/Duty Judge, concerned.

6. Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

21.03.2025

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(AMARJOT BHATTI)
JUDGE

Whether speaking/reasoned:

Yes/No.

Whether reportable:

Yes/No