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

CRM-M-52895-2024

Date of Decision:- 15.01.2025

SANJIV KUMAR ALIAS SANJEEV ALIAS SONUPetitioner

Vs.

STATE OF HARYANA ...Respondent

CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Balvinder Sangwan, Advocate for the petitioner.

Ms. Aditi Girdhar, AAG, Haryana.

AMARJOT BHATTI, J.

1. Petitioner has filed instant petition under Section 483 of BNSS, 2023 for grant of regular bail in FIR No.962 dated 06.12.2023 under Sections 376, 328, 354D, 452 and 506 of IPC registered at Police Station Surajkund, Faridabad (Annexure P-1).

2. Facts of case are that prosecutrix gave her statement to the police that she is mother of two children and was working as a Cook/Domestic Helper. Her husband used to stitch clothes on road side. About one year ago, she worked as a maid in Kidz Kingdom Nursery School, Faridabad and Sonu used to supply water bottles in the school. She along with her husband and children was residing in School premises. On 18.05.2023 at about 6 pm, said Sonu took away her trousers lying in the bathroom and thereafter started calling her and threatened to show her

trousers to her husband to create misunderstanding. He again called her that he would come at 6 pm to return her trousers but he did not return. On 11.06.2023 he came to her room by scaling the wall of the school at about 11 pm and forcibly made her consume intoxicants as a result she lost her senses and said Sonu committed rape with her. At that time, her husband had gone to native village Jhansi for 5-6 days. She did not go to any hospital. Sonu harassed her and also extended threats. Life of her entire family is in danger. Ultimately matter was reported to the police.

3. Learned counsel for petitioner argued that allegations levelled against petitioner are false. There is delay of 6 months in lodging the FIR. A false version has been created by the prosecutrix to implicate him. Her version is highly improbable. Prosecutrix has given improved version while giving her statement in the Court. He was arrested in this case on 08.12.2023 and he is behind the bars for the last more than one year. He is ready to abide by the terms of bail order. Therefore, his regular bail may be allowed.

4. Bail application is opposed by learned counsel representing State. Detailed status report has been filed. It is confirmed that investigation was carried out by the police and the statement of prosecutrix was recorded under Section 164 Cr.P.C. She was medically examined. It is confirmed that prosecutrix was serving in Kidz Kingdom Nursery School, Sector 21-C, Faridabad. After completion of investigation, challan is already presented and two of the prosecution witnesses are already examined. There are serious allegations against the petitioner. Therefore, he is not entitled to be released on bail.

5. I have considered the arguments and have gone through the record. Present petitioner was arrested on 08.12.2023 and till date he is behind the bars. Challan is already presented and the statements of prosecutrix and her husband have been recorded as PW-1 and PW-2. It is matter of record that alleged occurrence took place on 11.06.2023 and FIR has been registered on 06.12.2023. Testimonies of witnesses will be considered by the trial Court at appropriate state. Since material witnesses have been examined, there is no possibility of threatening the prosecutrix or her husband. Trial in this case may take long time. Without going on the merits of the case, regular bail application filed by petitioner Sanjiv Kumar @ Sanjeev @ Sonu is allowed. He is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Duty Judge concerned with further condition that present petitioner will not contact prosecutrix personally or by any other means.

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

(AMARJOT BHATTI)
JUDGE

15.01.2025
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Whether speaking/reasoned: Yes/No.

Whether reportable: Yes/No