

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

CRM-M No. 10741 of 2017(O&M)

Date of decision: 8.5.2017

Dinesh Kumar Thakur

....Petitioner

VERSUS

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. S.P. Chahar, Advocate for the petitioner.

Ms. Dimple Jain, AAG, Haryana.

Mr. Vipin Mahajan, Advocate for the complainant.

REKHA MITTAL, J.

The petitioner prays for grant of regular bail in FIR No. 108 dated 22.10.2016 for offence punishable under Sections 323, 376, 354, 506 of the Indian Penal Code, 1860 (in short 'IPC') registered with Women Police Station, District Yamuna Nagar.

Counsel for the petitioner has submitted that the petitioner is B.Tech and was doing job with M/s Everest Industries Ltd. The complainant is about 25 years of age. They came in contact with each other when the complainant was pursuing nursing and the petitioner was doing job. There was a matrimonial proposal through a family friend of the complainant. The roka ceremony was performed in a temple on 04.06.2015. Engagement ceremony was held on 17.04.2016 and marriage was scheduled to be performed. However, on 14.06.2016 when the petitioner along with the complainant had gone to Meerut Board in connection with correction in her certificates, the complainant left her

mobile with the petitioner for going inside office of the Board and the petitioner came across obscene conversation between the complainant and Devi Singh Rana and thereafter relationship was broken. It is further submitted that recording of conversation of a telephonic interaction between the petitioner and his mother on one side and complainant and her parents on the other side (Annexure P-5) would indicate that the petitioner raised a serious objection about the complainant's trying to contact the petitioner despite engagement having been broken. The last submission made by counsel is that the prosecutrix has already been examined, therefore, there can be no apprehension that the petitioner is likely to tamper with the prosecution evidence, in case enlarged on bail. In addition, it is argued that the petitioner is ready to face the proceedings in accordance with law.

Counsel for the State has not disputed the facts on record with regard to the allegations raised in the FIR and the prosecutrix having been examined by the trial Court.

Counsel for the complainant has not disputed that the petitioner and the complainant developed relationship and even engagement ceremony was performed. It would be a question to be decided during trial, if any such defence plea is raised before the Court below, that the petitioner withdrew his consent for marriage because of the reasons brought-forth in the application for bail. The prosecutrix has already been examined. Counsel for the State has not pointed out if any other material witness remains to be examined. There is no allegation that the petitioner is likely to abscond, in case enlarged on bail.

Without meaning to express any opinion on merits of the controversy, the petitioner shall be released on bail subject to satisfaction of the trial Court. However, he shall abide by the following conditions:-

- (i) he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of the case so as to dissuade him/her from disclosing such facts to the Court;
- (ii) he shall not leave India without previous permission of the Court.

MAY 8, 2017
'D. Gulati'

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned	:	yes/no
Whether reportable	:	yes/no