

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

**Criminal Misc. No.M- 42285 of 2017(O&M)**

**Date of Decision: March 14 , 2018.**

Kuldeep ..... PETITIONER (s)

**Versus**

State of Haryana ..... RESPONDENT (s)

**CORAM:- HON'BLE MRS.JUSTICE LISA GILL**

Present: Mr. Sandeep K.Sharma, Advocate  
for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

Mr. Sachin Luthra, Advocate  
for the complainant.

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1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

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**LISA GILL, J.**

The petitioner prays for bail pending trial in FIR No.91 dated 17.06.2017 under Sections 323/328/34/354C/376(2)/384 IPC and Section 67A of the Information Technology Act, registered at Police Station Women Rohtak.

It is submitted that the petitioner has been falsely implicated in this case. Relationship, if any, between the petitioner and the complainant was entirely consensual. Even as per the FIR in question, the petitioner was known to the complainant since October, 2012. It is submitted that even if the allegations

in the FIR are accepted, it could at best be a relationship turned sour. Learned counsel for the petitioner submits that the present petitioner, in fact, married another lady in the year 2015. Moreover, it is submitted that identity of the persons in the alleged video recording found in the mobile phone of the prosecutrix itself is doubtful. Evidence on record does not suggest the said video clip to be of the petitioner. Further, there is nothing on record to suggest that the petitioner had any point of time sent any video clip to the prosecutrix. It is further submitted that the prosecutrix in this case has since testified before the learned trial court. The petitioner, it is submitted, is not involved in any other criminal case and he undertakes not to misuse the concession of bail, if afforded to him. It is thus prayed that this petition be allowed.

Learned counsel for the complainant vehemently opposes this petition while submitting that there are specific allegations against the petitioner, who does not deserve the concession of bail. However, it is not denied that the prosecutrix aged about 29 years was acquainted with the petitioner since 2012. It is affirmed that the prosecutrix has since testified before the learned trial court.

Learned counsel for the State, on instructions from ASI Baje Singh, verifies that the petitioner is not involved in any other criminal case. It is informed that out of twenty one (21) prosecution witnesses, three have been examined, one witness has been given up and rest are yet to be examined.

Trial in this case is not likely to conclude in the near future. No useful purpose would be served by keeping the petitioner incarcerated any longer in the present facts and circumstances of this case. There are no allegations on behalf of the State that the petitioner is likely to abscond or that he is likely to

dissuade the witnesses from deposing true facts before the Court, if released on bail.

Keeping in view the facts and circumstances of the case but without commenting upon or expressing any opinion on the merits thereof, this petition is allowed. The petitioner be released on bail pending trial subject to his furnishing requisite bail bonds and surety to the satisfaction of the learned Trial Court.

It is made clear that the petitioner shall not directly or indirectly try to contact the complainant-prosecutrix/any of her family members or witnesses in this case. Any such infraction on the part of the petitioner may entail cancellation of his bail.

It is clarified that none of the observations made hereinabove shall be construed to be a reflection on the merits of the case. The same are solely confined for the purpose of decision of the present petition.

March 14 , 2018.  
'om'

( **LISA GILL** )  
**JUDGE**

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|----------------------------|--------|
| Whether speaking/reasoned: | Yes/No |
| Whether reportable:        | Yes/No |