

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

**Criminal Misc. No.M-14391 of 2019
Date of Decision: 05.07.2019**

Ravinder

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. Sandeep Singh Jattan, Advocate
for the petitioner.

Ms. Gaganpreet Kaur, AAG, Haryana.

HARI PAL VERMA, J. (Oral)

Prayer in the present petition filed under Section 439 of the Code of Criminal Procedure, 1973 is for grant of regular bail to the petitioner in case FIR No.270 dated 26.12.2018 under Sections 328, 385, 376 IPC registered at Police Station Chhapar, District Yamuna Nagar.

The aforesaid FIR was registered at the behest of Neha Rani against the petitioner with the allegations that the petitioner used to come to her house frequently before her marriage and one day, when nobody was at her house, the petitioner came to her house and gave some sweets to her and after eating those sweets, she became unconscious. Taking advantage of the situation, the petitioner had done wrong act with her. He also made its video, which he had shown to her on the next day. He had threatened that in case the prosecutrix did not cooperate, then he will viral that video

in the village and will kill her father and brother. The complainant became afraid of it. Taking advantage of this, the petitioner started black-mailing and doing wrong acts with her repeatedly. After the marriage of the prosecutrix, the petitioner showed all those photos and videos to her husband and in-laws and spoiled her married life.

Learned counsel for the petitioner has argued that though the prosecutrix has been summoned in the case but she has not come forward to depose, for which, bailable warrants have been issued against her on 27.05.2019 for 16.07.2019. He submits that the petitioner is in custody since 26.12.2018 and no recovery is to be effected from him. Since the petitioner is in custody since 26.12.2018 and trial in the case will take long time, the petitioner is liable to be released on bail.

Learned State counsel, on instructions from ASI Surjan Singh, does not dispute the custody of the petitioner. However, she submits that the petitioner by administering some sweets to the prosecutrix has made her unconscious and exploited her and prepared photographs and videos, which he has shown to her husband and in-laws and spoiled her married life.

I have heard learned counsel for the parties.

The allegations against the petitioner are that he has done wrong acts with the prosecutrix after administering sweets to her and prepared videographs of that. However, the said videographs have not been recovered. It is also yet to be established during trial as whether the prosecutrix was a consenting party or the petitioner has been exploiting her under the garb of video/photographs. Considering the fact that the

petitioner is in custody since 26.12.2018 and trial in the case will take sufficiently long time and no useful purpose will be served to keep the petitioner in custody, I deem it appropriate to release him on regular bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail, subject to furnishing of his bail bonds/surety bonds to the satisfaction of trial Court.

However, in order to avoid embarrassment to the prosecutrix, it is made clear that the petitioner shall not influence the prosecutrix or any other witnesses and shall not stay in the same vicinity where the prosecutrix is residing. In case it is found that the petitioner is trying to influence any witness including the prosecutrix or staying in the same vicinity of the prosecutrix, the prosecution shall be at liberty to seek cancellation of bail granted to him.

July 05, 2019
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No