

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

Sr. No.204

**CRM-M-35431-2020
Date of Decision: 06.11.2020**

RAHUL

...Petitioner

VERSUS

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Mr. Amit Parashar, Advocate,
for the petitioner.

ARCHANA PURI, J.

The matter has been taken up through video conferencing in the light of COVID-19 pandemic.

This is second petition filed by the petitioner seeking regular bail in case bearing FIR No.135 dated 27.08.2019 under Sections 328, 376 (2)(N), 323, 34, 506 and 354-C IPC, registered at Women Police Station, Ballabgarh, District Faridabad.

The aforesaid FIR was got registered at the instance of the prosecutrix, who is stated to be 34-years-old and is mother of two children. While she had gone to attend marriage of her niece, she developed interaction with Ravi, who thereafter had come to Faridabad and started having interaction with the petitioner. It is further the version of the prosecution that Ravi on the pretext of marriage, had developed physical relationship with the prosecutrix. Thereafter, Ravi's family gathered, hatched a conspiracy and called Ravi to the village. He had also borrowed a sum of Rs.60,000/- from the petitioner and he has duped with the said money. After going to the village, he was seduced by his parents and he did

not return to Faridabad and went to Mumbai. Thereafter, at the instance of Ravi, the prosecutrix was also made to have relations with his friend Manoj. Rahul, who is brother of Ravi, has conspired with Ravi and his parents and there were threats extended about the blue film having made, to be put into circulation. Also, there are allegations of harrasment caused to the petitioner by making video calls and demand being raised by them.

Now, it is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the present case. In fact, the prosecutrix is a married woman of 34 years and having two children. She has not given divorce to her husband, Omkar Gupta, who has also filed an affidavit, thereby stating about himself to be residing with the prosecutrix and their children. Further, it is submitted that she is a woman of bad character and one FIR No.699 dated 23.08.2017 under Sections 323, 354-A, 376, 420, 506, 120-B and 34 IPC, was also got registered at the instance of the prosecutrix, against K.P. Tiwari and Meena Tiwari, wife of K.P. Tiwari. However, she had compromised in the aforesaid FIR, after obtaining compensation from the aforesaid persons. As such, it is submitted that looking at the character of the prosecutrix, the present case has also been falsely registered against the petitioner herein.

Notice of motion.

Ms. Harpreet Kaur, Assistant Advocate General, Haryana, accepts notice on behalf of the respondent-State. Custody certificate of the petitioner filed by learned State Counsel has been brought on record.

On the other hand, learned State Counsel resists the claim of the petitioner for grant of regular bail, as she submits that it is too early to

comment upon the falsity of the case, as so submitted at the behest of the petitioner. It is submitted that though challan has been presented against the petitioner, but however, charge has yet not been framed. In these circumstances, a prayer has been made for the dismissal of the bail petition.

Even though, the allegations, as so projected, are against Ravi and one Manoj, but however, there are accusations of conspiracy at the instance of the petitioner and family members of Ravi. The case is at initial stage. Challan has though been presented, but charge has yet not been framed. In these circumstances, it is too early to comment upon the role of the petitioner. Furthermore, the version of FIR No.699 dated 23.08.2017 under Sections 323, 354-A, 376, 420, 506, 120-B and 34 IPC, so having registered against K.P. Tiwari and his wife Meena Tiwari, and the manner of cancellation report having been prepared after seeking compensation, can only be appraised, after the evidence is brought on record. However, considering the grave accusations and the initial stage of the case, at this stage, no case is made out for grant of regular bail. Consequently, the instant petition is hereby dismissed.

(ARCHANA PURI)
JUDGE

06.11.2020
Himanshu

Whether speaking/reasoned

Yes/No

Whether reportable

No