

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

**CRM-M-8348-2021 (O&M)**

**Date of Decision :10.09.2021**

Sunny

.....Petitioner

Versus

State of Haryana

.....Respondent

**CORAM: HON'BLE MRS. JUSTICE ALKA SARIN**

Present: Mr. Keshav Pratap Singh, Advocate for the petitioner.

Ms. Ambika Sood, Addl. AG Haryana.

**ALKA SARIN, J.**

Heard through video conferencing.

This is the second petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.581 dated 25.06.2020 under Sections 328, 376(2)(n), 506 of the Indian Penal Code, 1860 (Section 201 IPC added later on) registered at Police Station Panipat City, District Panipat. The first petition being CRM-M-37754-2020 filed by the petitioner was dismissed as withdrawn on 18.11.2020.

As per the averments in the FIR (Annexure P-1), the complainant has studied MBA, B.Com and was searching for a job. She knew about the accused since 4-5 years when she was studying in College as

he used to follow her and insisted that she be friends with him. The accused succeeded in procuring the phone number of the complainant and started conversing with her on the mobile phone. The accused even proposed to the complainant for marriage but she declined saying her family would not agree like this. Even after that the accused kept stalking the complainant. In the year 2015 the accused took the complainant to Ambika Hotel, Panipat near the College and offered a cold drink which contained some intoxicating substance and after consuming the same the complainant became intoxicated. The accused committed rape upon the complainant while she was in that state and when she regained her senses the accused told her that he had clicked her photographs in naked condition and also made some video clips. After showing the photographs and video clips to the complainant the accused threatened her saying that if she narrated the incident to anyone then he would defame her and her family via internet. After that the accused committed rape upon the complainant, against her wishes, on multiple occasions by using the photographs and video clips. When the complainant resisted the accused threatened to kill her and her family. The complainant bore the acts of the accused to protect her and her family's honour. Though the complainant changed her phone number a number of times but accused somehow got hold of her mobile number and used to send her messages on WhatsApp and also uploaded vulgar posts on Facebook. As per the complainant the accused also forcibly took her to Delhi on one/two occasions and committed rape upon her in a hotel. About a year ago, in the evening, he called her at the Bus Stand, Panipat and took her to a deserted place on Delhi parallel canal in his car and committed rape upon her in the car itself. As and when the complainant tried to get rid of

him the accused blackmailed her and threatened to kill her, her family and brothers and uploaded objectionable posts about her on Facebook. On 03.05.2020 he uploaded an objectionable post on Facebook to defame her and her family. Another objectionable post was uploaded on Facebook by the accused on 22.06.2020. As per the allegations, the accused is of a criminal nature and about a month ago had kidnapped a woman from Model Town regarding which a case is registered against him in Police Station Model Town, Panipat.

Learned counsel for the petitioner has contended that the allegations in the FIR are false and frivolous and that there was an unexplained delay of five years in lodging the FIR. Counsel for the petitioner has contended that the petitioner and the complainant were known to each other and were in a relationship and regarding this he drew the attention of the Court to photographs attached as Annexure P-1. He also submitted that the petitioner did not have any Facebook account and also that the medical examination of the complainant had not revealed any injury to her. It has further been contended that the petitioner has been in custody since 10.07.2020 and the trial is likely to take time and, therefore, the petitioner be granted bail moreso as the complainant has already been examined in Court. He further submits that since the withdrawal of the first petition for regular bail the trial has commenced and some Prosecution witnesses and the complainant have been examined.

Learned counsel for the State has filed a reply dated 22.07.2021 of Virender Singh, HPS, Deputy Superintendent of Police, City Panipat. In the reply it is stated that the petitioner had suffered a disclosure statement (Annexure R-2) admitting the manner in which he committed the crime

against the complainant and had also got demarcated the spot of the crime. Medical examinations of the complainant were conducted and in her statement recorded under Section 164 CrPC the complainant had levelled specific allegations against the petitioner. It is also stated that the charges have been framed and some Prosecution witnesses have been examined. Learned counsel for the State has further pointed out that the trial is proceeding expeditiously. According to her the petitioner is also an accused in FIR No.402 dated 18.05.2020 under Sections 341, 506 IPC.

I have heard counsel for the parties. Though the accusations against the petitioner are serious, he has been behind the bars for over a year. The FIR was lodged after almost five years of the first alleged instance of sexual abuse suffered by the complainant. The complainant has already deposed in Court. Several Prosecution witnesses have also been examined. The mobile phone of the petitioner was not recovered and, therefore, there was no recovery of any photographs and video clips from it. As far as the lodging of another FIR against the petitioner is concerned suffice it to say that he is facing trial in that case.

In view of the above and without commenting upon the merits of the case, also considering the fact that the trial is likely to take some time to conclude, I deem this to be a fit case for grant of regular bail to the petitioner. The petitioner is directed to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the Illaqa Magistrate/Duty Magistrate/Trial Court concerned.

However, the Prosecution will always be at liberty to apply for cancellation of bail in case the petitioner is found to be misusing the concession of bail in any manner.

It is also made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

Disposed off.

**( ALKA SARIN )  
JUDGE**

**10.09.2021**  
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NOTE:      Whether speaking/non-speaking: Speaking  
                 Whether reportable: YES/NO