

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

**CRM-M No.10235 of 2021 (O&M)
DATE OF DECISION: 10.09.2021**

Ravi Karnwal

.....Petitioner

versus

State of Haryana

.....Respondent

CORAM:- HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Sanjiv Gupta, Advocate for the petitioner

Ms. Ambika Sood, Addl. AG Haryana

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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.357 dated 03.09.2020 under Sections 323, 506, 376 of the Indian Penal Code, 1860 registered at Police Station Farakpur, District Yamuna Nagar. The first petition being CRM-M-1400 of 2021 filed by the petitioner was dismissed as withdrawn on 18.01.2021.

As per the averments in the FIR (Annexure P-1) the complainant alleged that the accused had sexually abused her since the past 8 to 10 years by alluring her with marriage and when she pressed for marriage he beat her up and also threatened to kill her. The complainant also alleged that Bobby, a friend of the accused, told her that if she went anywhere he would put acid on her face. As per the

complainant, the accused deals in intoxicating substances and the complainant has proof against him in the form of recording and photographs. It was further the allegation that the accused tried to push her into prostitution and has made her family members turn against her by giving money and since she was poor the accused told her that he has approach with the police. It is further the allegation that the wife of the accused, Reena, also threatens her and his sister-in-law also harasses her.

Learned counsel for the petitioner has contended that the allegations in the FIR are false and frivolous and there is an unexplained delay in lodging the FIR and that the incident alleged is 8-10 years old. It is the further contention of the learned counsel that the complainant was a part of a gang which used to blackmail simple people by making calls from different mobile numbers and the petitioner had brought this to the notice of the police vide complaint dated 10.06.2020 (Annexure P-2) against Arjun @ Shaurya Bansal. The police had called the complainant and Arjun @ Shaurya Bansal to the police station and a written compromise dated 08.08.2020 was signed by the parties. According to the learned counsel, despite the compromise the complainant and Arjun @ Shaurya Bansal continued to threaten the petitioner forcing him to give another complaint to the police. It has further been submitted that the complainant also tried to force her own sister-in-law into prostitution which compelled her to give complaints (Annexures P-5 and P-6) to the police against the complainant. The learned counsel would further contend that the petitioner has been in

custody since 15.10.2020 and the trial is likely to take some time. It is further contended that despite several opportunities the complainant is not forthcoming to get her statement recorded in the Trial Court. It is further contended that several dates have been given for appearance of the complainant, however, till date she has not appeared despite non-bailable warrants having been issued.

Learned counsel for the State had filed a status-report dated 12.04.2021 but on 22.04.2021 had sought time to file a better reply. Thereafter, reply dated 24.05.2021 has been filed by way of affidavit of Parmod Kumar, HPS, Deputy Superintendent of Police, Yamuna Nagar. In the reply it has been stated that the medical examination of the complainant was conducted and the doctor had opined that “*In my opinion possibility of sexual intercourse cannot be ruled out.*” It is also stated in the reply that in her statement recorded under Section 164 CrPC the complainant had reiterated her allegations against the petitioner. It is also stated that the charges were framed on 19.01.2021.

Though initially appearance was put in on behalf of the complainant in the present case, however, after 13.07.2021 nobody has put in appearance on behalf of the complainant. Even today no one has put in appearance on her behalf.

I have heard the learned counsel for the parties.

Though the accusations against the petitioner are serious in nature, however, he has been in custody for almost a year. The FIR itself

has been lodged after a delay of 8 to 10 years of the first alleged incident of sexual abuse suffered by the complainant. Despite several opportunities having been given by the Trial Court, the complainant is not coming forward to get her statement recorded. The charges were framed on 19.01.2021. On 18.02.2021 the Trial Court recorded that though summons issued to the complainant had been received back duly served but she did not appear before the Court. Even on the next date i.e. 23.03.2021 the Trial Court had to order that fresh bailable warrants be issued to the complainant. On 12.08.2021 the Trial Court recorded that though bailable warrants issued to the complainant had been received back duly served but she had not put in appearance before the Court. On 27.08.2021 again the complainant did not appear before the Court though an application for exemption from personal appearance was filed which was accepted.

In view of the above and without commenting upon the merits of the case, 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
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