

In the High Court for the States of Punjab and Haryana at Chandigarh

CRM-M-13311-2021

Date of Decision: December 06, 2021

Raman Rana

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. N.C. Kinra, Advocate,
for the petitioner.

Ms. Ruchika Sabherwal, AAG, Punjab.

Mr. Vishal Sodhi, Advocate,
for the complainant.

Vivek Puri, J.

In the present petition, the petitioner is seeking regular bail in case FIR No. 25, dated 09.05.2019, under Sections 376, 506 IPC (Section 201 IPC added later on) and Section 67 of I.T. Act, registered at Police Station Handesra, District SAS Nagar (Mohali).

Custody certificate of the petitioner filed in Court today is taken on record.

Briefly, the FIR has been registered on the basis of the statement of the prosecutrix alleging that she developed friendly relations with the petitioner and used to meet in parks etc. in Ambala. On 12.12.2018, her marriage was solemnized with Kunal Sharma and thereafter, the petitioner had been harassing the prosecutrix. The petitioner told the prosecutrix that he was having phone recordings and some obscene photographs and in case she did not meet him, he would show the recordings and photographs to her husband and her family members. On 13.04.2019, the prosecutrix came to her parental village in connection with Jagraata at the house of her uncle. The petitioner met her and asked her to meet and thereafter, he will delete the photographs and recordings in her presence. At about 12 midnight, the prosecutrix went to the side of the canal in the village to meet the petitioner. The petitioner told her that the prosecutrix had not done the right thing in not getting married to him and he will not be sparing anyone. The petitioner caught hold of the clothes of the prosecutrix and started putting off the clothes against her consent. Despite the resistance from the prosecutrix, the petitioner committed rape upon her. The petitioner threatened the prosecutrix that in case she narrated the incident to anyone, he will make the telephone recordings and the photographs public and ruin her life. The prosecutrix got frightened and did not narrate the incident to anyone. She went back to the house of in-laws and when she again went to her parental house, she shared the incident with her father. The petitioner again threatened her and committed rape upon her.

I have heard learned counsel for the parties and perused the record.

It has been contended by the learned counsel for the petitioner that so far the prosecutrix, her father and few police officials have been examined and the petitioner is behind the bar for the last about 2-1/2 years, he was not produced in the Court on 11 dates of hearing and no witnesses were present on 12 dates of hearing. It has been further stated that the earlier bail application was dismissed on merits on 17.08.2020 as the cross-examination of prosecutrix had not been recorded and there are infirmities emerging in the statement of the prosecutrix.

Learned State counsel and the learned counsel for the complainant have opposed the bail application on the score that serious allegations have been leveled against the petitioner, he had passed on the objectionable pictures of the prosecutrix to her father-in-law which created a turmoil in the matrimonial life and ultimately her marriage ended in a divorce. Learned State counsel further submitted that the prosecutrix has solemnized second marriage and in the event, the petitioner is released on bail, there is apprehension that he will also cause disturbance in the matrimonial life. It has been pointed out by the learned counsel for the complainant that even the father-in-law of the prosecutrix to whom the petitioner had sent the photographs is yet to be examined.

The material on record indicative of the fact that the petitioner had been blackmailing and exploiting the prosecutrix as he was having some recordings of telephonic communications and pictures of the prosecutrix. By blackmailing, threatening and exploiting the prosecutrix,

the petitioner had been committed rape upon her. The petitioner had even passed on the objectionable pictures to the father-in-law of the prosecutrix which contributed in marital discord resulting in dissolution of the marriage. It may be true that the petitioner is in custody for the last about 2-1/2 years, but it is significant to note that the Courts were on restricted hearing for a period of about 1-1/2 years on account of Covid 19 Pandemic. Serious and grave allegations have been leveled against the petitioner, who had been exploiting the prosecutrix on account of mobile phone communications and obscene photographs with him.

There are allegations of commission of rape on repeated occasions. The statement of the prosecutrix is not to be minutely evaluated at this stage. Such an exercise is to be carried out by the trial Court at appropriate stage of trial. Suffice is to say that the prosecutrix has deposed with regard to the allegations against the petitioner during the course of trial. Moreover, the earlier petition for bail has been dismissed and one of the contentions raised by the learned counsel for the complainant was to the effect that the cross-examination of the prosecutrix was yet to be recorded. Significantly, the observation of this Court while declining the bail was to the effect that in view of peculiar facts and circumstance of the case, as noticed above, it is not deemed to be a fit case, where the petitioner is entitled for grant of concession of regular bail. As such, merely because the statement of the prosecutrix has been recorded cannot be termed to be a circumstance to extend the concession of bail, particularly because she has supported and substantiated the version of the prosecution.

Keeping in view the entire facts and circumstances emerging in the instant case and the gravity of the allegations, no justified grounds are made out to extend the concession of bail to the petitioner.

Dismissed.

December 06, 2021
vkd

[Vivek Puri]
Judge

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