

209.

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-22218-2021 (O&M)

Date of Decision: 13.10.2021

(Heard through VC)

RAMANDEEP

.... Petitioner

Versus

STATE OF HARYANA

.... Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Dinesh Sharma, Advocate, and
Mr. Himanshu Obroi, Advocate,
for the petitioner.

Ms. Mahima Yashpal, DAG, Haryana.

JAISHREE THAKUR.J (Oral)

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner, pending trial, in case FIR No.60, dated 01.07.2020, registered under Sections 376D, 384, 506 of IPC (later on Section 376-D IPC deleted and Section 376 IPC added) at Women Police Station, District Yamuna Nagar.

Learned counsel for the petitioner would contend that the petitioner has been falsely implicated in the said FIR and he has been in custody since 07.07.2020. It is, *inter alia*, argued that the FIR came to be registered at the behest of the complainant with the allegation that the petitioner herein had developed physical relationship with her as far back as 2007 and after having raped her, had blackmailed the prosecutrix and also

extorted money from her. It is contended that the petitioner herein, who has been arrayed as a main accused, had extorted Rs.7 lakhs from the complainant, which amount she had received after obtaining divorce from her husband-Tarun. Counsel would rely upon the evidence of the prosecutrix wherein she had categorically stated that she had not filed any complaint orally or written against Ramandeep (the petitioner herein), while further stating that even though the husband had not moved any application against the accused regarding any harassment meted out to her. It is also argued that in her cross-examination, the prosecutrix has stated that the amount of Rs.7 lakhs which she received at the time of first motion statement in divorce proceedings with Tarun has been kept by herself and the balance amount of Rs.7 lakhs has been kept in her bank account in SBI Camp Yamuna Nagar and that all family members ATM cards are with her. Learned counsel, while praying for grant of regular bail, would contend that the statement of the material witness stands examined and, therefore, the custody of the petitioner would no longer be required.

On the other hand, learned counsel appearing on behalf of the respondent-State opposes the grant of regular bail, however, is not in a position to dispute the fact that the material witness stands examined.

I have heard learned counsel for the parties.

Keeping in view the fact that the material witness stands examined and, therefore, the question of influencing the testimony would not arise and moreover, the trial is likely to take some time to conclude as out of 20 witnesses cited, only 2 have been examined, this Court deems it appropriate to release the petitioner on regular bail.

Accordingly, the instant petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal bond and surety bond to the satisfaction of concerned trial Court/Duty Magistrate. However, any observation made herein shall not be construed to be an expression of opinion on merits of the case.

(JAISHREE THAKUR)
JUDGE

13.10.2021

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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No