

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

**CRM-M No.6498 of 2022  
Date of Decision: 11.03.2022**

Vikram

.....Petitioner

Versus

State of Haryana and another

.....Respondents

**CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN**

Present : Mr. Japjit S. Johal, Advocate  
for the petitioner.

Mr. Vikas Bhardwaj, Asstt. Advocate General, Haryana  
for respondent No.1/State.

Mr. Sagar Sharma, Advocate  
for respondent No.2.

**(Heard through video conferencing)**

**PANKAJ JAIN J. (ORAL)**

Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.444, dated 23<sup>rd</sup> November, 2021, registered under Section 346 IPC (later on during investigation Sections 365, 343, 376, 376(2)(n), 328, 506 of the IPC were added), at Police Station Adampur, District Hisar

2. Today, Ld. State Counsel has forwarded custody certificate of the petitioner in the WhatsApp group, copy of the same is taken on record. As per which, the petitioner has undergone 3 months and 7 days.

3. Ld. Counsel for the petitioner states that it is a case where the prosecutrix accompanied the petitioner willingly as the petitioner is in

relation of husband of the prosecutrix. He has brought to the notice of the Court affidavit, Annexure P-3, executed by the prosecutrix which reads as under :-

*“1. That I am a resident of the above address and am a housewife.*

*2. That on 22.11.2021 I accidentally boarded the Jaipur bus at Bus Stand, Hisar and reached Jaipur. I kept on roaming in Jaipur for 3-4 days, during which I met a boy named Vikram, who took me to my in-laws house.*

*3. That Vikram son of Krishna Kumar resident of village Kohli, Tehsil Adampur, District Hisar has never kidnapped me and has never raped me.*

*4. That my husband has got lodged a case FIR No.444 dated 23.11.2021 at Police Station Adampur regarding my missing. In this case the above mentioned Vikram has been falsely implicated, Vikram is innocent.*

*5. That in the above case, I had given the statement before the Magistrate Sahib in the Hisar Court. I gave that statement under the pressure of my husband and the police, there is no truth in it.*

*6. That Vikram has been falsely implicated in case FIR No. 444/2021 Police Station Adampur and I have no objection if this case is cancelled.*

*7. That I am giving the above affidavit without any fear, coercion or greed and with my healthy intellect, my knowledge and in my full senses.”*

4. As per office report, reply by way of Affidavit of Deputy Superintendent of Police, Hisar along with its accompanying documents has been filed on behalf of the respondent No.1/State, the same is taken on

record. As per the same, the prosecutrix suffered statement under Section 164 Cr.P.C. and has raised specific allegations against the petitioner. Thus, Ld. Assistant Advocate General, Haryana submits that keeping in view the seriousness of the allegations levelled against the petitioner, he is not entitled for the concession of bail.

5. Ld. Counsel for respondent No.2 states that his client has submitted affidavit Annexure P-3 out of her own sweet free will. Moreover, from the reply, it is evident that the State has not controverted the contents of affidavit and denied the same only for want of knowledge.

6. Be that as it may, without commenting on the merits of the case, once the prosecutrix has not supported the allegations levelled against the petitioner and has filed affidavit which has been supported by her through her Counsel before this Court, the petitioner is held to be entitled for concession of regular bail. Accordingly, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

7. Nothing observed herein shall be construed to be an expression of an opinion on the merits of the case.

**March 11, 2022**  
Dpr

**(PANKAJ JAIN)**  
**JUDGE**

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