

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

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CRM-M-14892-2022

Date of decision:10.11.2022

Ankur Paras

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Inderjeet Singh, Advocate for the petitioner.

Ms. Mahima Yashpal, DAG, Haryana.

Mr. Jamshed Ahmed, Advocate for the complainant.

SUVIR SEHGAL J. (ORAL)

This is the first petition filed by the petitioner under Section 439 of Cr.P.C. for grant of regular bail in case FIR No.280, dated 02.12.2021 registered for the offences under Sections 354, 354-D, 506, 509, 467, 468, 471 of IPC, 1860, however, Section 420 of IPC was added later on, at Police Station Women, District Yamuna Nagar, Annexure P-1.

Criminal law has been set in motion on the basis of a complaint given by a young lady of 21 year of age (hereinafter referred to as “the victim”) on the allegation that when she was pursuing law degree, she came in contact with Ankur (present petitioner), who was staying on rent at Jagadhari. He claimed to be unmarried. However,

when she discovered his marital status, she distanced herself from him. Ankur, however, started stalking and threatening her. He prepared a fake marriage certificate with the complainant and sent it on the mobile phone of her father.

Counsel for the petitioner submits that the petitioner and the complainant were on friendly terms and the FIR was registered, when their relationship got strained. He has referred to the photographs, Annexure P-3, to buttress his submission. He submits that the allegation of preparing a fake marriage certificate, is false and the petitioner, who has clean antecedents, is no longer required for custodial interrogation as the investigation qua him is complete. He asserts that the petitioner, who is in custody since 02.12.2021, deserves to be enlarged on bail as the matter has now been amicably settled by compromise, Annexure P-7, which is supported with an affidavit, Annexure P-8, executed by the complainant.

Per Contra, learned State counsel, upon instructions from L/ASI Menka, has opposed the petition and has submitted that there are specific allegations against the petitioner of misbehaving with a young lady and of forging official documents. As per her instructions, charge has been framed, one prosecution witness has been examined, but the complainant despite being repeatedly summoned is not appearing before the trial court for recording of her deposition.

Counsel for the complainant, on the other hand submits that as there is a settlement between the parties and the complainant, who is now a practising lawyer, does not have any objection, in case, the petitioner is released on bail.

Having considered the respective submissions made by counsel for the parties, this Court is *prima facie* of the view that the culpability of the petitioner in the crime would remain a subject matter of debate before the trial court. Noticing that the offences allegedly committed by the petitioner, are triable by the Magistrate, custody period of more than 11 months and a subsequent compromise between the parties, this Court has formed an opinion that the petitioner deserves to be enlarged on bail during the pendency of the trial.

Without adverting to the merits or de-merits of the arguments addressed, petition is allowed. Petitioner is ordered to be enlarged on bail on furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

It is clarified that any observation made hereinabove shall not be construed to be an expression of opinion on the merits of the case.

10.11.2022
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(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No