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

CRM-M-27515-2022

Date of Decision: September 28, 2022

Mahesh Mor

.....Petitioner

Versus

State of Haryana

.....Respondents

CORAM: HON'BLE MR.JUSTICE RAJESH BHARDWAJ

Present: Mr.A.K.Sharma, Advocate for
Mr.J.P.Sharma, Advocate
for the petitioner.
Mr.B.S.Virk, DAG, Haryana.

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RAJESH BHARDWAJ, J.(ORAL)

Prayer in the present petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in a case FIR No.19, dated 07.03.2022, registered under Section 354-A, 354-D, 506, 509, 376(2)(n) IPC and Section 3 of the the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, at Police Station Women, Rewari, District Rewari, Haryana.

Succinctly, facts of the case are that a complaint was lodged by the prosecutrix alleging therein that in the year 2016, petitioner-Mahesh Mor and his mother came to her house in search of house on rent. During that time, the petitioner took her mobile number and he started calling her. He started pressurizing her to talk to him, failing which he would commit suicide. His mother also approached the prosecutrix for convincing her to talk to her son Mahesh Mor (petitioner). On her asking, the prosecutrix started talking to Mahesh, however, he exploited her and thereafter took disadvantage of her situation. He offered her to marry him after taking

divorce from her husband. He threatened her on the gun point. Thereafter, he started blackmailing her on the basis of chats, photos and illicit videos made by him. He demanded Rs.2.00 lacs from the prosecutrix for deleting all the chats, photos and videos. Due to the same, the matrimonial life of the prosecutrix ran into rough weather and she was compelled to leave the matrimonial life. The complainant was made to lodge FIR and proceeded to take the legal action against the accused.

On registration of the FIR, the investigation commenced and the petitioner was arrested on 10.03.2022. The petitioner approached the Court of learned Additional District and Sessions Judge, Rewari, praying for grant of bail, who after hearing both the sides, declined the same vide its order dated 14.06.2022. Aggrieved by this, the petitioner is before this Court praying for grant of bail.

It has been contended by counsel for the petitioner that the petitioner has been clandestinely implicated in this case by the prosecutrix. He has submitted that petitioner is 24 years of age whereas the prosecutrix is 45 years old married woman and a mother of three children. He submits that even from perusal of the allegations in the FIR, the alleged occurrence is of 2016 and the FIR has been lodged after about six years and it is self evident that the allegations have been fabricated only in order to falsely implicate the petitioner. He submits that even otherwise both the prosecutrix and the petitioner are of the age of majority and their relationship, at the most, can be consensual and in the situation when both the prosecutrix and the accused are of the age of majority and the relationship is consensual, offence under Section 376 IPC would not be attracted. He has submitted that the petitioner

involved in any other offence except the present one. He submits that petitioner is behind bars from 10.03.2022, and the investigation is complete and the charges are also framed. He has submitted that trial Court has so far given three opportunities to the prosecutrix for her examination, however, she is intentionally not appearing before the trial Court only in order to prolong the incarceration of the petitioner. He submits that allegations pertaining to blackmailing the prosecutrix on the premise of obscene videos etc. made by the petitioner were found to be false and hence, offence under Section 385 IPC was deleted. He has submitted that in the overall facts and circumstances, the petitioner deserves to be granted bail.

Learned State counsel, on the other hand, has submitted that though there is age difference between the petitioner and the prosecutrix, however, there are specific allegations levelled by the prosecutrix against the petitioner. He has submitted that investigation is already complete and challan is presented and the learned Court has also framed the charges. He has submitted that these allegations are not substantiated during investigation. He has submitted that as per instructions received, the petitioner is not involved in any other case except the present case.

Heard.

Evidently, the petitioner is 24 years of age whereas the prosecutrix is a married woman and mother of three children. The alleged occurrence pertains to the year 2016. As submitted before this Court, during investigation the allegations pertaining to blackmailing the prosecutrix on the premise of obscene videos etc. made by the petitioner were found to be false and hence offence under Section 385 IPC was deleted. Investigation is already complete and the charges are also framed. There is nothing on

record to show that petitioner has any criminal antecedent. Allegations and counter-allegations would only be assessed after completion of the trial. Despite three opportunities given by the trial Court, prosecutrix did not appear for her examination from the last three dates.

In the overall facts and circumstances of the case, I am of the opinion that learned counsel for the petitioner has been able to make out a case for grant of regular bail to the petitioner.

Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail to the satisfaction of the concerned trial Court/Duty Magistrate.

Nothing said hereinabove shall be treated as an expression of opinion on the merits of the case.

September 28, 2022
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(RAJESH BHARDWAJ)
JUDGE

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| 1. | Whether speaking/reasoned ? | Yes/No |
| 2. | Whether reportable ? | Yes/No |