

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

CRM-M-38194-2022

Date of decision : 31.08.2022

Vikram Kumar

.....Petitioner

versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Ashok Giri, Advocate
for the petitioner.

Mr. Karunesh Kaushal, AAG, Punjab.

Mr. Ravi Rana, Advocate
for respondent No.2-complainant.

RAJESH BHARDWAJ, J. (Oral)

Prayer in the present petition is for grant of regular bail to the petitioner in case bearing FIR No.140 dated 29.10.2021, under Sections 376, 120-B of IPC and Section 67 of Information Technology Act, 2000, registered at Police Station Goraya, District Jalandhar Rural.

As per facts of the case, the present FIR was lodged by the prosecutrix wherein it was alleged that on 16.06.2019, her family got her engaged with Vikram Kumar son of Hardayal Ram i.e. the petitioner. It was alleged that she and Vikramjit knew each other for about more than three years before the engagement. Vikram Kumar assured her that they both will go to England and he convinced her for solemnizing the marriage. Vikram Kumar took Rs.3,00,000/- from her family for going abroad. He went to Manila where he had solemnized the marriage. From

there, he started sending the photographs and thus, mentally harassed the prosecutrix. He further demanded Rs.2,00,000/- from them. The complaint was lodged to take legal action against the accused. On the basis of the same, FIR was lodged and the investigation commenced. The petitioner was arrested on 21st July, 2022.

Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely implicated in this case and his prosecution in the same is nothing but an abuse of the process of the Court. He has submitted that the petitioner and the prosecutrix both are of the age of majority and from the reading of the allegations, it is apparent that the prosecutrix has alleged that the petitioner and the prosecutrix both were in a consensual relationship. However, there is only allegation pertaining to taking of Rs.3,00,000/- by the petitioner but there are no allegations that the petitioner has ever physically exploited the prosecutrix. He submits that once the prosecutrix and the petitioner both are of the age of majority and their relationship is consensual, the offences for which the petitioner is being prosecuted are not at all attracted as the basic ingredients are not even present. He has, however, advanced his arguments that now the petitioner and the prosecutrix both have settled the dispute amicably and thus, the prosecutrix has no grudge against the petitioner. He submits that the petitioner has no criminal antecedents and as *prima facie* offences are not made out, the incarceration of the petitioner is totally unwarranted.

Learned counsel for the complainant has affirmed the submissions made by counsel for the petitioner. He has submitted that the prosecutrix and the petitioner have settled the dispute amicably and

prosecutrix has no grudge against the petitioner.

Learned State counsel, on the other hand, has submitted that there are allegations pertaining to the heinous offence against the petitioner and the matter is still under investigation. He submits that once the investigation is complete, then the veracity of the allegations can be assessed only after the conclusion of investigation. He has also submitted that there is no criminal antecedents of the petitioner.

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

Admittedly, the petitioner and the prosecutrix both are of the age of majority. From the reading of the allegations in the FIR, the petitioner and the prosecutrix both were in relations with each other from the last three years. The prosecutrix has alleged that her engagement was also performed with the petitioner. There was a transaction of Rs.3,00,000/- to the petitioner for enabling him to go abroad. There is nothing on record to show that the petitioner has any criminal antecedents.

Keeping in view the law settled by the Hon'ble Supreme Court in **Pramod Suryabhan Pawar vs The State of Maharashtra and others (2019) 9 SCC 608**, the Court is of the opinion that no useful purpose would be served by keeping the petitioner behind bars any more. The parties have settled the dispute amicably.

The trial would take sufficiently long time in its conclusion. However, keeping in view the facts and circumstances of the case, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail. Accordingly, the present

petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

31.08.2022
m. sharma

(RAJESH BHARDWAJ)
JUDGE

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