

IN THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

278

CRM-M-42344 of 2022 (O&M)
Date of decision : 07.12.2022

Anand Pandey

... Petitioner

Versus

State of Haryana

.. Respondents

CORAM : HON'BLE MRS.JUSTICE AMARJOT BHATTI

Present : Dr.Anmol Rattan Sidhu, Sr. Advocate with
Mr.Kamal Gupta, Advocate for the petitioner.

Ms.Ambika Sood, Addl. AG, Haryana.

Amarjot Bhatti, J.(Oral)

Anand Pandey, petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.14 dated 15.01.2022 under Sections 376 (2) (n), 506 IPC, [Section 204 IPC added later on] registered at Police Station DLF Ph-3rd, District Gurugram.

Brief facts of the case are that the complainant gave her written complaint to the police alleging that she was working with American Express at Sector 43, Gurugram. She came in contact with Vivaan @ Anand Pandey on online dating App-Bumble on 01.10.2021. On 04.10.2021, he called her on her mobile phone and they met for the first time at Dribble Cafe at DLP Phase-3, Gurugram. They started meeting each other and he visited her house on daily basis. They developed physical relation even though she refused. He told her that he would marry her. They developed physical relations on multiple times between 06.12.2021 to 11.1.2022. When she refused to have physical relation, he threatened her. Ultimately, the matter was reported to the police.

Learned counsel for the petitioner argued that he is falsely

implicated in this case to put pressure on him. She has misused the law and State machinery. Both petitioner and the complainant are educated adults. She has twisted the actual facts. The petitioner was arrested in this case on 08.06.2022. The challan is already presented. Learned counsel for the petitioner referred to the chat between them as well as the statement of the victim recorded in the court as PW-6 where she resided and did not level any allegation against the petitioner. The certified copy of the statement dated 12.10.2022 is on the record. Learned counsel for the petitioner also referred to the status report submitted by the counsel representing the State where it is wrongly alleged that the prosecution witnesses have supported the case. It is argued that trial of the case may take long time. Petitioner is ready to abide by the bail order. Therefore, his regular bail application may be allowed.

The bail application is opposed by the counsel representing the State. It is argued that the victim has specifically named the present petitioner who is facing trial in this case. There are 14 prosecution witnesses. Out of which 09 of the witnesses have been examined. Considering the gravity of offence, the petitioner is not entitled to be released on bail.

I have considered the arguments and have gone through the record. It is an admitted fact that challan is already presented and the prosecution evidence is being recorded by the learned Additional Sessions Judge, Gurgaon. The statement of the prosecutrix recorded before the trial court dated 12.10.2022 is not disputed. As per the attested copy of the statement, she claimed that the petitioner did not sexually exploited her and nor he forcibly committed any wrongful act with her or by holding any

promise of marriage or threatening to kill her at any time. She was declared hostile and was cross-examined by learned P.P. The custody certificate is on the record. According to which, he is in custody for the last about 04 months 08 days. Trial of this case may take some time. The material witness is already examined.

Considering the aforesaid facts, the regular bail application filed by the petitioner is allowed and he is ordered to be released on bail to the satisfaction of the trial Court/Duty Magistrate.

Petition is accordingly, disposed of.

07.12.2022
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(AMARJOT BHATTI)
JUDGE

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