

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

CRM-M-50047-2021

Date of decision : 26.04.2022

Ravi Pal

.....Petitioner

versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Anil Kumar Spehia, Advocate
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

RAJESH BHARDWAJ, J. (Oral)

Prayer in the present petition is for grant of regular bail to the petitioner in case FIR No.0089 dated 21.06.2019, under Section 376 of Indian Penal Code, registered at Police Station Adampur, District Jalandhar, Punjab on the basis of compromise dated 27.08.2019 (Annexure P-2).

As per the facts of the case, the present FIR was lodged by the prosecutrix (name concealed) wherein it was alleged that the prosecutrix is 50 years of age and is a housewife. Her husband has passed away and she is residing with her son Kuku Raj at his residence. She developed relationship with Ravi Pal i.e the petitioner. However, he started blackmailing her and in a fraudulent manner, he took away cash, one pair of gold earring and one mobile phone from the prosecutrix. He took away the prosecutrix on his Activa to Hoshiarpur where he threatened her and against her wishes violated her. She demanded the money taken from her, Ravi Pal threatened her. It is alleged that he made physical relations with the prosecutrix for about two months. Thereafter, the FIR was lodged to take the legal action against the culprits. After

commencement of the investigation, the petitioner could not be arrested and he was declared Proclaimed Offender. However, thereafter, he surrendered on 07.10.2021 and since then he is behind bars. He approached the Court of learned Additional Sessions Judge, Jalandhar praying for grant of bail, however, after hearing counsel for the parties, learned Additional Sessions Judge, declined the same vide order dated 13.10.2021. Aggrieved by the same, the petitioner has approached this Court for grant of regular bail by way of the present petition.

Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely implicated in this case. He has submitted that the petitioner is 40 years of age whereas, the prosecutrix is 50 years of age and a widow. He submits that both being the age of majority, the allegations in the FIR on the face of it, are false and frivolous as the petitioner cannot be presumed to have blackmailed the prosecutrix. He submits that the petitioner has no criminal antecedents. He has further submitted before this Court that the prosecutrix has been examined by the trial Court as PW-1 and during her examination by the trial Court, she has not supported the case of the prosecution. He submits that the prosecutrix who is of the age of majority, has resiled from her statement and thus, the case of the prosecution is virtually without any reliable evidence. He submits that in view of the same, the petitioner deserves to be granted bail.

Learned State counsel has opposed the submissions made by counsel for the petitioner. She has submitted that there are specific allegations against the petitioner of blackmailing the prosecutrix and thereafter, violating the prosecutrix. However, she acknowledges that the

prosecutrix has not supported the case of the prosecution. She submits that out of 14 prosecution witnesses, 03 already stand examined.

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

The prosecutrix and the petitioner both are of the age of majority. There is nothing on record showing that the petitioner has any criminal antecedents. On examination by the trial Court, the prosecutrix herself has not supported the case of the prosecution. Perusal of her testimony before the Court would show that she did not know Ravi Pal son of Sadiq Masih and he never committed sexual assault on her person on any pretext. She further deposed that Ravi Pal never extorted any cash, ornaments or mobile phone from her.

The trial of the case will take sufficient long time and no useful purpose will be served by keeping the petitioner in custody for such a long time. Though, the veracity of the allegations would be assessed after the appreciation of the evidence by the trial Court, however, this Court would refrain itself from commenting anything on the merits of the case.

In the overall facts and circumstances of the case, this Court finds that 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.

(RAJESH BHARDWAJ)
JUDGE

26.04.2022
m. sharma

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