

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(288)

CRM-M-53136-2022-
Date of decision:- 01.12.2022

Darpan Arora

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Dr. (Mr.) Anmol Rattan Sidhu, Senior Advocate with
Mr. Raghav Gulati, Advocate
for the petitioner.

Ms. Ankita Ahuja, AAG, Haryana for State-respondent.

SUVIR SEHGAL, J. (ORAL)

This is the second petition filed under Section 439 of the Code of Criminal Procedure, 1973 (for short “the Code”) seeking grant of post-arrest bail in case FIR No.0772 dated 18.11.2021, registered for offences under Sections 376(2)(n), 506 and 427 read with Section 34 of the Indian Penal Code, 1860, at Police Station Chandnibagh, District Panipat, Annexure P-1.

Case of the prosecution is that FIR, Annexure P-1, has been registered on the statement of a twenty nine year old girl (hereinafter referred to as “the prosecutrix”) on the allegation that while she was working in Delhi, she came in contact with Darpan Arora, present petitioner, who allured her into a love trap and developed physical relations with her on the promise of marriage. He clicked her in the nude and made

videos with his mobile, but subsequently when she came to know that he was a man of loose character, she left Delhi and came to her parental home at Panipat. However, Darpan Arora kept on threatening her and reached her parental home, where he created a ruckus.

Learned senior counsel submits that the physical relationship between the petitioner and the prosecutrix was consensual. He submits that despite having levelled serious allegations against the petitioner, the prosecutrix has not supported the allegations in her testimony. Reference has also been made by him to testimony of the prosecutrix's mother, PW-2, as well as her brother, PW-4. Counsel submits that the first petition, preferred by the petitioner, was withdrawn from this Court on 04.11.2022 by the petitioner's father, who had appeared in person. He submits that as the material prosecution witnesses have been examined, the petitioner, who is in detention since 31.12.2021, deserves to be temporarily released.

Per contra, learned State counsel, upon instructions from ASI, Rishipal, has opposed the petition and has invited the attention of the Court to the accusation levelled against him. She submits that the prosecutrix has supported the allegations in her statement under Section 164 of the Code and has also taken the same stand in the narration given to the doctor at the time of medical examination. Upon instructions, however, she submits that the mobile phone has not been recovered from the petitioner.

Having considered the submissions addressed by counsel for the parties and taking into account the fact that all the material witnesses have been examined, this Court is *prima facie* of the view that the petitioner, who

is in custody for the last more than eleven months, deserves to be enlarged on bail. Furthermore, it deserves to be noticed that more than half the prosecution witnesses are yet to be examined and the trial is likely to take time to conclude.

Without adverting to the merits or demerits of the arguments addressed by counsel for the parties, petition is allowed. Petitioner is ordered to be released on bail on furnishing adequate bail/surety bonds to the satisfaction of the Area Magistrate/Duty Magistrate concerned.

It is clarified that nothing said hereinabove shall be construed to be an expression of opinion on the merits of the case.

(SUVIR SEHGAL)
JUDGE

01.12.2022

Kamal

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