

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

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**CRM-M No. 761 of 2022 (O & M)
Date of Decision : 18.1.2023**

Amit Kumar Sardana

..... Petitioner

versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Dr. Anmol Rattan Sidhu, Senior Advocate with
Mr. Pranshul Dhull, Advocate, for the petitioner

Ms. Mahima Yashpal, DAG, Haryana

Mr. Sanjay Jain, Advocate, for the complainant

TRIBHUVAN DAHIYA J. (ORAL):

This is a petition under Section 439 Cr.P.C. seeking regular bail to the petitioner in case FIR No.283 dated 4.8.2021 under Sections 354, 354-A, 354-C, 354-D, 365, 376 (2)(n), 376 (2)(f), 450, 509 and 120-B IPC (Sections 377, 451, 506 IPC and Section 10 of POCSO Act, 2012 added later on), registered at Police Station City Mandi Dabwali, District Sirsa.

The allegations against the petitioner are that he blackmailed the complainant and committed rape upon her continuously over a long period of time. The first incident of sexual harassment reported by the complainant is of June 2016. As per the complaint as well as statement of the complainant recorded under Section 164 Cr.P.C., she continuously was meeting the petitioner upto November 2020, and during that period the alleged incidents took place.

Learned senior counsel for the petitioner contends that the relationship between the petitioner and the complainant was consensual. To

substantiate the fact, he has referred to the whats-app chats dated 5.9.2020 between the parties, (Annexure P-4), as well as the hotel bookings of dated 6.9.2016, 11.9.2016 and 21.9.2016 (Annexure P-3), when both of them stayed together at Chandigarh. It was only when their relations were strained that the present FIR was lodged.

Learned State counsel, on instructions from SI Kamal Singh, opposes the grant of regular bail to the petitioner. However, she is not in a position to dispute the aforesaid facts.

The petitioner is in custody since 15.8.2021. Thirty witnesses still remain to be examined, though the complainant has been examined.

In this background, when the material witness/complainant has already been examined and trial of the case is not likely to conclude in near future, no useful purpose will be served by confining the petitioner to custody.

Accordingly, the petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

The pending miscellaneous applications, if any, stand disposed of accordingly.

Anything recorded/observed hereinabove shall not be construed as an expression of opinion on merits of the case.

(TRIBHUVAN DAHIYA)
JUDGE

18.1.2023

Ashwani

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