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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-1444-2022 (O&M)
Date of Decision:- 15.03.2023

RAJESH KHANAGWAL

....Petitioner

Vs.

STATE OF HARYANA

...Respondent

CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Ms. Deipa Singh, Advocate
for the petitioner.

Ms. Ambika Sood, Additional A.G. Haryana.

Mr. Saransh Aggarwal, Advocate
for the complainant.

AMARJOT BHATTI, J. (Oral)

The petitioner – Rajesh Khanagwal has filed the instant petition under Section 439 Cr.P.C. for grant of regular bail in FIR No. 270 dated 09.07.2021, under Sections 376, 384, 386, 500, 506 of IPC and Section 67 and 67A of Information Technology (Amendment) Act, 2008, registered at Police Station Pinjore, District Panchkula.

The facts of the case are that the prosecutrix gave her statement to the police that her husband is employed in BSF. She is having a petrol pump in Sector-3, Panchkula. Her brother Manoj Kumar and one Sunil are working as Managers at the said petrol pump. On 03.07.2021, at about 01:15 P.M, a car bearing No. HR-26-AN-2070 make Honda City came for filling fuel and after filling of petrol worth Rs. 3400/-, the driver of the

said car fled away with the car. The complaint was lodged at Police Post Sector-21, Panchkula and it was found that the car was registered in the name of Sushila wife of Rajesh Khanagwal, who is her real sister. On 03.07.2021, her brother-in-law called Manoj Kumar several times but her brother did not answer his call. On 04.07.2021, when her brother called at number 7428776700, he threatened her brother to withdraw the complaint or he shall be defamed in the society by showing the photographs and videos of his sister. On 04.07.2021, Rajesh had send some objectionable pictures from his whatsapp no. 9899194243 on whatsapp number of her brother, which were later on deleted. Rajesh again send objectionable pictures on 07.07.2021. She further stated that Rajesh had prepared objectionable video secretly while she was taking bath and he used to blackmail her by showing the said video and also took money from her. He forcibly maintained physical relations with her and further prepared videos of said moments. She has also narrated various incidents when Rajesh had forcibly taken her to different places and maintained physical relations with her. He has already taken Rs. 9 lacs from her time to time by blackmailing her. Ultimately, when he crossed all the limits, the matter was reported to the police.

Learned counsel for the petitioner argued that he is in the custody since 27.07.2021. All the allegations levelled against him are false. There is long delay in lodging the FIR. The version put forward by the complainant is unbelievable. Even otherwise, the statements of prosecutrix and her brother have been recorded. He will abide by the terms of bail order. Therefore, his regular bail application may be allowed.

The bail application is opposed by learned counsel representing the State as well as learned counsel representing the complainant. It is

argued that the prosecutrix was sexually exploited and blackmailed continuously for many years. He extracted huge money from the prosecutrix. There are serious allegations against the present petitioner. Therefore, he is not entitled to be released on regular bail.

The status report is also filed by learned counsel representing the State, explaining that as far now, out of 15 prosecution witnesses, 7 prosecution witnesses have been examined which included the prosecutrix and her brother Manoj Kumar. 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. As per the record, the challan has been presented against the petitioner and he is facing trial. As per the custody certificate on record, he is behind the bars since 27.07.2021. Till date, the statements of seven prosecution witnesses have been recorded including the prosecutrix and her brother Manoj Kumar. The statement of prosecutrix recorded before the trial Court is also placed on record. Now, at this stage, there is no question of influencing the prosecutrix or her brother Manoj Kumar. The trial of this case may take some time. Therefore, without expressing my mind on the merits of the case, the regular bail application filed by the petitioner – Rajesh Khanagwal is allowed. He is ordered to be released on bail to the satisfaction of trial Court/Duty Judge concerned.

The petition is, accordingly, accepted.

Pending application, if any, also stands disposed of.

15.02.2023
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(AMARJOT BHATTI)
JUDGE