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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-4311-2023

Date of Decision:- 24.04.2023

Vishal Mehta

...Petitioner

Vs.

State of Haryana

...Respondent

CORAM:-HON'BLE MS. JUSTICE AMARJOT BHATTI

Present:- Mr. Balvinder Sangwan, Advocate
for the petitioner.

Mr. Vijesh Sharma, Addl. A.G. Haryana.

AMARJOT BHATTI, J. (Oral)

The petitioner – Vishal Mehta has filed the instant petition under Section 439 Cr.P.C. for grant of regular bail in FIR No. 54 dated 06.03.2022, registered at P.S. Women, Police Station NIT, District Faridabad, under Sections 376(2)(n), 377, 323, 506, 34 of IPC and Section 3 of SC/ST Act (Section 34 and 377 of IPC deleted later).

The brief facts of the case are that the complainant stated that she is qualified as B.Com. She met Vishal Mehta and they got friendly. She belonged to scheduled caste and this fact was disclosed to Vishal. In the evening of 13.11.2020, she was called by Vishal who took her to OYO Anantre Regency where he forcibly maintained physical relations with her against her consent. When she started hue and cry, the accused Vishal assured that he will perform marriage with her. He continued having

physical relations with her. When she insisted Vishal to perform marriage, he said that she belongs to lower caste. She filed a complaint to NIT Women Police Station, Faridabad. Thereafter, he agreed to marry with her. On 11.04.2021, he performed marriage in Arya Samaj Mandir, Ballabgarh. They also filed protection petition against the family members of Vishal Mehta. After four days of police protection, Vishal Mehta left her and stopped talking to her. With efforts Vishal and his brother-in-law Manish Nagpal and Suraj met her in Gurgaon on 06.06.2021. She was again told that she belonged to a lower caste and she was threatened. She also went to Sirsa looking for Vishal where she was abused by his parents. On 25.12.2021, she was called to a flat belonging to Vishal Mehta at Gurgaon where she saw the messages and love letter of another girl namely Pooja. She was beaten up and was shown obscene video. He had unnatural relationship with her. On her complaint, the present FIR has been registered.

Learned counsel for the petitioner argued that he is falsely implicated in this case. Earlier, he had filed regular bail applications before learned Additional Sessions Judge. The first bail application was dismissed as withdrawn vide order dated 24.05.2022, Annexure P-4, whereas, the second bail application was declined vide order dated 04.07.2022, Annexure P-5. Thereafter, he filed regular bail application in the High Court vide CRM-M No. 34689 of 2022, which was also declined by this Court vide order dated 17.11.2022, Annexure P-6. The regular bail application was declined as till then, the statement of the victim was not recorded. It is argued that now the statement of the victim has been recorded. He again filed regular bail application before learned Additional Sessions Judge, Faridabad which was again dismissed vide order dated

23.12.2022, Annexure P-7. The allegations levelled against him are false. In fact, the victim was already married and she got married with him without taking divorce from her first husband. He has placed on record the petition filed by him under Section 11 of Hindu Marriage Act. The copy of Aadhar Card of victim is Annexure P-13, where the name of her husband is mentioned as Sumit Saini. There is bank record where again the name of her husband is mentioned as Sumit Saini and the photograph of the said victim along with her first husband is Annexure P-15. These facts are admitted by the victim when her statement was recorded in the trial Court which are Annexures P-8 and P-9. The material witness has already been recorded. He will abide by the terms of bail order. It is prayed that his regular bail application may be allowed.

The bail application is opposed by learned counsel representing the State on the ground that his earlier regular bail application has been declined by this Court. The allegations are specific and serious in nature. The remaining prosecution witnesses are yet to be examined. Therefore, considering the gravity of offence and specific allegations, he is not entitled to be released on bail.

I have considered the arguments and have gone through the record carefully. It is matter of record that earlier he had filed regular bail application in this Court which was declined vide order dated 17.11.2022, Annexure P-6. The perusal of said order indicates that at that relevant time, the charge-sheet was framed but the statement of the victim was not recorded. Now, the present regular bail application has been filed and the statement of the victim recorded before the trial Court is placed on record as Annexures P-8 and P-9. I have gone through the said statement. The

merits of the case will be decided after recording of entire evidence of the prosecution. As the statement of victim has been recorded, therefore, there is no question of petitioner influencing the witness. He is in custody since 16.03.2022 i.e. for a period of more than one year. 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 – Vishal Mehta is allowed. He is ordered to be released on bail to the satisfaction of trial Court/Duty Judge concerned.

The petition is accordingly, accepted.

24.04.2023
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(AMARJOT BHATTI)
JUDGE

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