

**IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH**

Sr. No.: 226

**Criminal Miscellaneous No.M-7540 of 2023 (O&M)**

**Date of Decision:** *March 20, 2023*

Vikas Kamal

..... PETITIONER(S)

*VERSUS*

State of Haryana

..... RESPONDENT(S)

. . .

**CORAM:**      **HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA**

. . .

**PRESENT:** -    Mr. Pratham Sethi, Advocate for the petitioner.

Ms. Ankita Ahuja, AAG, Haryana.

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**Tribhuvan Dahiya, J (Oral)**

This is a petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.258 dated 27.09.2022, registered under Sections 406, 376(2)(n) IPC, 1860, at Police Station B.P.T.P. Faridabad.

2.                    The FIR was lodged by the complainant, who is married having two children, on the allegations that the petitioner developed physical relations with her by promising that he would marry her by divorcing his wife. She was thus tricked into developing physical relations with him. On the pretext of loss of business to the petitioner, he borrowed ₹ 18 lakhs from her. The amount was not returned by making different excuses. Feeling helpless, she filed a complaint to the police on 29.02.2020, Annexure P-5. The matter was settled as the petitioner returned an amount of ₹2 lakhs and promised to return remaining amount of ₹16 lakhs within a year. The compromise dated 06.03.2020 is on record. Based on the compromise, the earlier complaint was withdrawn by the complainant. Subsequently, again the petitioner developed physical relations with her forcefully from April 2020 to June 2020, but the amount was not returned by him. This led her to

file another complaint leading to lodging of the instant FIR.

3. Learned counsel for the petitioner has contended that on the face of it the allegations are false, and the offences alleged are not made out against the petitioner. The complainant is a mature lady, and was also aware about the fact that the petitioner himself was married. Essentially, it is only on account of relations turning sour over non-payment of loan extended to the petitioner that the FIR has been lodged. Now the complainant has been examined before the trial Court and has not supported her version in the testimony recorded.

4. Learned State counsel, on instructions from SI Dilbag Singh, does not dispute the fact that the complainant has not supported the prosecution. She, however, submits that only three witnesses remain to be examined and trial is fixed for 18.05.2023 for the purpose. The petitioner is in custody since 01.12.2022, and there is no other case against him.

5. On considering the facts aforestated, this Court is of the view that no purpose is going to be served by confining the petitioner to custody during trial, any longer. Apparently, it is a case arising out of the financial dispute between the parties and the complainant herself has not supported the prosecution version. There is no justification to curtail the petitioner's liberty in these circumstances.

6. Accordingly, the petition is allowed and the petitioner is ordered to be released to the satisfaction of trial Court/Duty Magistrate concerned.

**(Tribhuvan Dahiya)**  
**Judge**

**March 20, 2023**  
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