

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

107+211

Criminal Misc. No. M-16351 of 2023 (O & M)

Date of decision :-23.08.2023

Sanjeet Kumar @ Sagar

.....Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM:- HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Sajal Bansal, Advocate with
Mr. Saransh Sabharwal, Advocate
for the applicant-petitioner.

Mr. Brijesh Sharma, AAG, Haryana.

NIDHI GUPTA J. (Oral)

CRM-35167-2023

Prayer in this application is for placing on record statement of the complainant recorded under Section 164 Cr.P.C. as Annexure P-5.

The application is allowed subject to all just exceptions and the statement of the complainant recorded under Section 164 Cr.P.C. is taken on record as Annexure P-5.

CRM-M-16351-2023

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner during pendency of the trial in case FIR No.336 dated 05.11.2022, under Sections 376, 384 and 506 IPC, Section 67 of the I.T. Act and Section 3(2)(v) of the SC/ST Act, registered at Police Station Barara, District Ambala (Haryana).

The FIR has been registered on the statement of the complainant/respondent No.2 herein with the allegations that the petitioner by threatening her had developed physical relations with her and by blackmailing her under the threat to viral her obscene photos on internet, he also extorted money from her. It is also alleged that the petitioner, on 03.11.2022 sent obscene photos of the complainant to her husband and on 05.11.2022 to her sister-in-law.

Learned counsel for the petitioner *inter alia* submits that the petitioner and the complainant/victim/respondent No.2 herein were in consensual relationship. He submits that the complainant has admitted the facts of their consensual relationship in the Medical Report dated 06.11.2022 (Annexure P-3). It is submitted that the victim is a married woman of 42-43 years having two children. Even though the relationship is stated to be of the year 2019 but the FIR has been registered on 05.11.2022. It is submitted that there are contradictions in the statement made by the victim inasmuch in the FIR it has been alleged that the petitioner threatened the victim and forcibly made relations with her; whereas in her statement under Section 164 Cr.P.C. dated 05.11.2022 (Annexure P-5) it has been alleged that the petitioner first clicked her obscene photographs and then forcibly made relations with her.

Learned State counsel has filed the custody certificate dated 22.8.2023 and the reply by way of affidavit of Anil Kumar, HPS, Deputy Superintendent of Police, Barara, Ambala, in Court today. The same are taken on record. Copies thereof supplied to the counsel opposite. As per the custody certificate, the petitioner is in

custody since 09 months and 15 days. Learned State counsel submits that the charges are yet to be framed in the matter and the complainant in her statement under Section 164 Cr.P.C. has supported the case of the prosecution. He submits that there are serious allegations levelled against the petitioner that he blackmailed the victim and forcibly made relations with her.

I have heard learned counsel for the parties and gone through the case file.

In view of the aforesaid facts and after hearing learned counsel for the parties, this Court finds that the trial of the case is likely to consume considerable time as the charges are yet to be framed in the matter and keeping in view the custodial period of the petitioner and the fact that there is no other FIR registered against him, no useful purpose would be served by keeping the petitioner further in custody. Therefore, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

The petition is allowed.

August 23, 2023

Vijay Asija

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned Yes / No

Whether Reportable Yes / No