

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**284****CRM-M No.17540 of 2023 (O&M)
Date of Decision : 30.10.2023**

Ajmer

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Akashdeep Singh, Advocate for the petitioner.

Ms. Priyanka Sadar, AAG Haryana.

ALKA SARIN, J. (Oral)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.405 dated 09.09.2022 under Sections 354-D and 506 of the Indian Penal Code, 1860 (Sections 201 and 376(2)(n) IPC were added later on) registered at Police Station Meham, District Rohtak.

2. FIR in the present case was registered on the statement of the complainant wherein she stated that her husband was ill for the last about 02 years and 06 months and she worked as a labourer and the accused i.e. petitioner herein was allegedly pressurising her to pay the interest amount of Rs.4,50,000/- and that he had also forged a false agreement which bore fake signatures of the victim and witnesses as well and that the witnesses did not sign any such document. It was further alleged that the petitioner had been harassing her and frequently visited her home along with several other persons and threatened her by brandishing a pistol and shot her videos and

those videos were in his mobile phone. He also kept sending complaints in her name to authorities and those complaints bore her fake signatures and thumb impressions. It has further been alleged that the petitioner had made complaints to CM window in her name. It was further the allegation that the petitioner forcibly involved her in a physical relationship with him and used to call on her mobile phone and when she blocked him, he called her from another mobile number and threatened her by stating that no harm can be done to him as he had good connections. On the basis of said complaint, the FIR was registered. The petitioner in the present case has been in custody since 22.12.2022.

3. Learned counsel for the petitioner would contend that the complainant/prosecutrix has since been examined and she has not supported the case as set up by the prosecution. Infact, she has stated that she was in a consensual relationship with the petitioner. Learned counsel for the petitioner would further contend that complainant/prosecutrix in the present case is 36 years old and the petitioner is 53 years of age and that they were in consensual relationship with each other as has also been stated by the complainant/prosecutrix herself now while appearing as PW2.

4. Learned State counsel on instructions from ASI Manju is not in a position to deny that the statement of the complainant has since been recorded and while appearing as PW2 she has stated she was in a consensual relationship with the petitioner herein. Custody certificate has been filed by learned State counsel as per which the petitioner has been in custody for 09 months and 26 days.

5. I have heard learned counsel for the parties.

6. In the present case though initially the allegations were made that the complainant was forced to have physical relations with the petitioner, however, while appearing as PW2, the complainant/prosecutrix has not supported the prosecution version. Infact, she has stated that she was in a consensual relationship with the petitioner. The petitioner has been in custody for a period of 09 months and 26 days. There is no case pending against the petitioner.

7. In view of the above and without commenting upon the merits of the case, I deem it to be a fit case to grant the concession of regular bail to the petitioner. The petitioner is directed to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Additional Sessions Judge (Duty) concerned.

8. However, the Prosecution will always be at liberty to apply for cancellation of bail in case the petitioner is found to be misusing the concession of bail in any manner.

9. It is also made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

10. Disposed off. Pending applications, if any, also stand disposed off.

30.10.2023
Jk

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO