

(211)

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

CRM-M-19663-2023

Date of Decision:11.05.2023

Dalip

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM : HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present : Mr. Baljeet Beniwal, Advocate for the petitioner.

Ms. Mahima Yashpal, D.A.G. Haryana.

TRIBHUVAN DAHIYA, J. (Oral)

This petition under Section 439 Cr.P.C has been filed for grant of regular bail to the petitioner in case bearing FIR No.46 dated 14.02.2023 registered under Sections 323, 354(c), 376(2) (n) and 506 of IPC, 1860 at Police Station Chhainsa, District Faridabad.

2. Briefly, as per the allegations in the FIR, complainant/prosecutrix, aged about 39 years, was invited to the petitioner's brother's marriage where petitioner recorded her video while she was bathing. Three days later she was informed that the said video had been deleted, but the petitioner came to her house and showed the video to blackmail her. On that account, he kept on forcing and taking money from her every month. He used to beat and threaten to kill her. On 13.01.2023, she was taken on a hotel by the petitioner where he did wrong act with her and also clicked her pictures. He came to her house on 12.02.2023 and again took money and stated that he would show her video to everyone.

3. Learned counsel for the petitioner contends that relations between the petitioner and the complainant were consensual. He was a young boy of 23 years of age. The FIR has been lodged after a long delay only to falsely implicate the petitioner and blackmail him. Investigation of the case is over and the petitioner is in custody.
4. On the other hand, learned State counsel has opposed to the grant of bail on the ground that charges are still to be framed against the petitioner, though, final report under Section 173 (2) Cr.P.C stands presented. She further submits that prosecutrix herself has stated at the time of medical examination that first incident, as mentioned in the FIR, happened in April, 2022. It is not denied that petitioner is involved in any other case. He is in custody since 16.02.2023.
5. Submissions made by the learned counsel have been considered. The petitioner is a young man having no criminal antecedents. The complainant is a mature lady. Investigation of the case is already over and nothing is to be recovered from him. Charges are still to be framed and conclusion of trial will take long time. No useful purpose will be served by detaining the petitioner in custody any longer.
6. In view thereof, this petition is allowed and the petitioner is ordered to be released on bail on furnishing bail bonds/surety bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate/trial Court concerned.

11.05.2023

rajeev

(TRIBHUVAN DAHIYA)

JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No