

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-18692-2023 (O&M)
Date of decision : 08.08.2023

Kuldeep ... Petitioner(s)

Versus

State of Haryana And Another ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Keshav Pratap Singh, Advocate for the petitioner.

Ms. Mayuri Lakhanpal Kalia, DAG Haryana
for respondent No.1.

Mr. Sandeep Singh Jattan, Advocate for respondent No.2.

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.04 dated 01.02.2023 under Sections 376 (2) (n) and 506 of the Indian Penal Code, 1860 (Section 420 IPC added later on), registered at Women Police Station Yamuna Nagar, District Yamuna Nagar.
2. Learned counsel for the petitioner would contend that the complainant is 23 years' old and was pursuing M.A. in Social Work. She was in a consensual relationship with the petitioner for at least one year. The said fact is also fortified by the WhatsApp chats between the petitioner

and the complainant (Annexure P-7). Learned counsel would further contend that the complainant was confronted with the said chat in her cross-examination where she had posted a picture of a ring and had stated that the ring was a wedding present to the petitioner, meaning thereby that the complainant was well aware that the petitioner was getting married to someone else. It is further the contention that the petitioner has been in custody for a period of 06 months and 04 days and that there is no other case pending against the petitioner.

3. Learned counsel for the State has filed the custody certificate and as per the custody certificate, the petitioner has been in custody for a period of 06 months and 04 days. Learned State counsel on instructions from ASI Kamla has pointed out that there are serious allegations against the petitioner and he does not deserve the concession of regular bail. She is, however, not in a position to deny the fact that there is no other case pending against the petitioner.

4. Learned counsel for the complainant-respondent No.2 has vehemently contested the petition for grant of regular bail and has stated that the petitioner being a resident of Rajasthan, there is every chance of his absconding.

5. Heard.

6. In the present case the FIR has been lodged by the complainant on the ground that the petitioner had developed physical relationships with her on the pretext of marriage. Thereafter, he refused to marry her. The complainant in the present case is 23 years of age and a well qualified

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person. Her statement and cross-examination both stand recorded. The petitioner has been in custody for a period of 06 months and 04 days and there is no other case pending against the petitioner. The trial is likely to take some time to conclude and no useful purpose would be served by keeping the petitioner behind the bars any further.

7. In view of the above and without commenting upon the merits of the case, this Court deems it to be a fit case to grant the concession of regular bail to the petitioner. However, keeping in view the apprehension expressed by learned counsel for the complainant-respondent No.2, the petitioner is directed to be released on bail subject to his furnishing bail bonds with heavy surety 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.

08.08.2023
Yogesh Sharma

(ALKA SARIN)
JUDGE

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