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

CRM-M-21516-2023

Date of Decision:- 10.10.2023

AMIT PANCHAL

....Petitioner

Vs.

STATE OF HARYANA

...Respondent

CORAM:-HON'BLE MS. JUSTICE AMARJOT BHATTI

Present:- Mr. Bhanu Udai, Advocate for the petitioner.
Mr. Narender Singh Behgal, AAG, Haryana.

AMARJOT BHATTI, J. (Oral)

1. The petitioner – Amit Panchal has filed the instant petition under Section 439 Cr.P.C. for grant of regular bail in FIR No.233 dated 27.04.2022 under Sections 328, 376 and 385 of IPC and Section 67 of IT Act and Section 3 of SC/ST Act registered at Police Station, Civil Lines, Sonapat.

2. The facts of the case are that the present FIR has been registered on the statement of prosecutrix who claimed that her younger sister i.e. victim No.2 was having friendly relationship with Amit. He was having her photographs, chat record and other articles and on that account he used to harass her by saying that he would viral the photographs on social media. Her sister disclosed this fact to her and thereafter she decided to talk to the accused. He requested Amit not to viral the photographs

otherwise her future will be ruined. He assured her to delete the chat and photos and to return the articles provided she meets him. On his assurance, she went to meet him. He offered cold drink and after consuming it she became unconscious. She regained consciousness and came to know that she was raped by him and he had prepared her video. He threatened to ruin the life of both of them. He started raising demand for ransom. Both of them were terrified and were thinking to end their life. She further disclosed that she belonged to scheduled caste. Ultimately the matter was reported to the police. With the aforesaid allegations, the FIR was registered.

3. Learned counsel for the petitioner argued that all the allegations levelled against him are false. He is behind the bars since 28.04.2022. As per the prosecution case, the occurrence took place about 2 years ago. The complainant had refused for her complete medical check up. The medical report is Annexure P-2. The trial is under progress and the statements of the prosecutrix and her sister have been recorded which are Annexures P-3 and P-4. The first regular bail application was dismissed as withdrawn vide order dated 14.02.2023 in CRM-M-56630-2022. He is ready to abide by the terms of bail order. It is prayed that his regular bail application may be allowed.

4. Notice of bail application was given to the State. The detailed status report has been filed. It is confirmed that the present petitioner was arrested on 29.04.2022. Challan is already presented in the Court. Out of twenty prosecution witnesses, statements of six prosecution witnesses have been recorded. There was another FIR No.276 dated 22.04.2022, under Section 354-A and 506 IPC, Police Station Kundli, District Sonapat and in that case he has been acquitted. There are specific serious allegations

against the present petitioner. Therefore, he is not entitled to be released on bail.

5. I have considered the arguments and have gone through the record carefully. It is matter of record that first regular bail application [CRM-M-56630-2022] filed in this Court was dismissed as withdrawn vide order dated 14.02.2023. The present petitioner is facing the trial and he is behind the bars since 28.04.2022. As per the status report, statements of six prosecution witnesses have been recorded. The learned counsel for the petitioner has placed on record the copies of statements recorded in the Court i.e. statement of prosecutrix as PW1 (Annexure P-3) and statement of her sister as PW2 Annexure P-4. Statements of both the material witnesses have been recorded, therefore, there is no chance that the present petitioner will be able to influence the material witnesses. The trial of this case may take long time. The present petitioner cannot be kept behind the bars for indefinite time period. Therefore, considering the aforesaid facts, without expressing my mind on the merits of the case, the regular bail application filed by the present petitioner is allowed. He is ordered to be released on bail to the satisfaction of trial Court/Duty Judge.

6. The petition stands accepted.

10.10.2023

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(AMARJOT BHATTI)
JUDGE

Whether speaking/reasoned: Yes/No.

Whether reportable: Yes/No