

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

210

CRM-M-23097-2023 (O&M)

Date of Decision: 04.09.2023

Inder Kumar

.... Petitioner

Versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Naveen Bawa, Advocate for the petitioner.

Mr. Jaswinder Singh Arora, DAG, Punjab.

Mr. Sandeep Kumar, Advocate
for respondent No. 2-complainant.

NIDHI GUPTA, J. (ORAL)

The petitioner has filed the present first petition under Section 439 of the Code of Criminal Procedure, 1973, for grant of regular bail in case FIR No. 0064 dated 25.03.2023 (Annexure P-1) registered under Sections 354, 354-D, 506 and 509 IPC at Police Station Jamalpur, District Ludhiana.

The aforesaid FIR (Annexure P-1) was registered on the basis of statement of prosecutrix/complainant which is reproduced as under:-

“.....that I am resident of above said address. I have passed MA English at my home on private basis. I got registered one FIR no. 63 dated 23.03.2021 under Sections 354-A, 354-B, 354-C, 506 and 120- B IPC at Police Station Jamalpur Ludhiana against Inder Kumar son of Ram Chander etc. resident of MD City, 72 Feet Road, Bholapur.

In which he was enlarged on bail on dated 22.12.20214 by Hon'ble High Court. He by coming out put stories on his facebook ID by putting his photo and by writing my name on that (Miss you Taranpreet) by adding song and later on same were deleted. Then on dated 16.11.2022, he put story on his facebook by putting his photo and by writing my name on that as (Miss you Taranpreet) and by adding song. It that regard, I was told by one boy namely Karan and sent screenshots of the same to us. When my parents told about this thing to his family members then he admitted his mistake in front of them and deleted the facebook story. In that regard, Inder Kumar and his family members apologized in writing. Thereafter, also Inder Kumar extended threat to me by stopping in the way that if you will not withdraw the case then I will defame you. Inder Kumar is doing all this in order to pressurize me so that I withdraw the case got registered against him. On dated 26.01.2023 at time approximately 7:30 PM, I was going to the house of my grandmother on my activa at Ghai Market Chowk then Inder Kumar stopped me all of sudden by coming in front of me and held my hand forcibly and attacked upon me with intention to outrage my modesty and said to me if you will not withdraw your case then see what will I do with you. I saved myself in very difficult manner and fled away after seeking coming wayfarers from the front side. I did not tell anything to my family members may days due to fear....”.

Learned counsel for the petitioner, *inter alia*, submits that petitioner has been falsely implicated in the present case. It is submitted that the alleged date of incident as per the FIR is 26.01.2023, however, the FIR was registered after a delay of almost two months i.e. on 25.03.2023. Learned counsel further submits that no specific allegations have been made in the FIR against the petitioner. Specific date and time

and place of the alleged incident have also not been mentioned in the FIR, therefore, the allegations levelled in the FIR are vague, false and fabricated. Earlier also, the complainant had lodged an FIR No. 63 dated 23.03.2021 under Sections 354-A, 354-B, 354-C, 506 and 120- B IPC at Police Station Jamalpur Ludhiana, against the petitioner and after 9 months of remaining behind the bars, the petitioner was granted regular bail by this Court vide order dated 22.12.2021 (Annexure P-2) passed in CRM-M-20283-2021. Learned counsel for the petitioner submits that it is the petitioner who is actually being harassed by the complainant. In the present case, the petitioner is in custody since 25.03.2023. The trial is likely to take long time. No useful purpose will be served by further detention of the petitioner in custody. Thus, it is prayed that petitioner may be released on regular bail.

On the other hand, learned counsel for the complainant submits that earlier also, the petitioner had harassed the complainant on 16.11.2022 in respect of which, the complainant who is stated to be about 25 years old, had lodged the complaint (Annexure R-2/1) with the police on 16.11.2022, through e-mail.

Learned counsel for the State has filed custody certificate dated 01.09.2023, which is taken on record, as per which the petitioner has been in custody as an undertrial for a period of 05 months and 08 days. On instructions from ASI Kulwant Singh, learned counsel for the State submits that charges have been framed by the trial Court and the next date of hearing before the trial Court is 12.09.2023.

Having heard learned counsel for the parties, but without commenting on merits of the case, keeping in view the totality of the

facts and circumstances of the case including the fact that the petitioner is in custody since 25.03.2023, as well as the fact that conclusion of trial will take some time, the present petition is **allowed**.

The petitioner-Inder Kumar S/o Sh. Ram Chander Yadav, is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

Pending application(s), if any, shall also stand disposed of.

04.09.2023

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(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No