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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-27253-2023 (O&M)
Date of decision : 31.08.2023

Gulfam ... Petitioner(s)

Versus

State of Haryana ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Gorav Kathuria, Advocate for
Mr. Diwan S. Adlakha, Advocate for the petitioner.

Ms. Mayuri Lakhanpal Kalia, DAG 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.42 dated 05.03.2023 under Sections 376(2)(n), 354-C, 201 of the Indian Penal Code, 1860 registered at Police Station Jathlana, District Yamuna Nagar.
2. Learned counsel for the petitioner would contend that pursuant to the order dated 24.07.2023 passed by this Court, the statements of the complainant as well as her husband have been recorded and they have not supported the case of the prosecution and infact the complainant in the present case has stated that the petitioner never committed any wrong act with her nor he had made any recording of phone calls nor made any

obscene video. It is further the contention that the petitioner has been in custody for a period of 05 months and 23 days and that he has absolutely clean antecedents. Learned counsel would further contend that the allegations in the FIR are highly improbable and that the petitioner has been implicated in a totally false case.

3. Learned counsel for the State has filed the status report by way of affidavit of Sh. Gurmel Singh, HPS, Deputy Superintendent of Police, Radaur, District Yamuna Nagar and has also filed the custody certificate. As per the custody certificate, the petitioner has been in custody for a period of 05 months and 23 days and he has clean antecedents. Learned counsel for the State is not in a position to deny the fact that the complainant as well as her husband, who are the material witnesses in the present case, stand examined and they have not supported the case of the prosecution and infact the complainant has stated that the petitioner never committed any wrong act with her nor he had made any recording of phone calls nor made any obscene video.

4. Heard.

5. In the present case the complainant as well as her husband, who are the material witnesses in the present case, stand examined and they have not supported the case of the prosecution and infact the complainant in the present case has stated that the petitioner never committed any wrong act with her nor he had made any recording of phone calls nor made any obscene video. As per the custody certificate, the petitioner has been in

custody for a period of 05 months and 23 days and there is no other case pending against him. 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.

6. 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. 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.

7. 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.

8. 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.

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

31.08.2023

Yogesh Sharma

(ALKA SARIN)

JUDGE

NOTE: Whether speaking/non-speaking: Speaking

Whether reportable: YES/NO