

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M 26989/2023

Date of decision: 26.07.2023.

Prince Dhawan

.....Petitioner

Vs.

State of Punjab

.....Respondents

CORAM HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. PK Chugh, Advocate for the petitioner.

Mr. Pankaj Khullar, AAG Punjab.

Nidhi Gupta, J.

Prayer in this petition under Section 439 Cr.PC is for grant of regular bail to the petitioner Prince Dhawan son of Satish Dhawan, in case FIR No. 30 dated 23.1.2023 registered under Sections 323, 376(2)(N), 506 IPC, at PS Zirakpur, SAS Nagar.

The allegations made by the victim/complainant against the petitioner, as per FIR read as under:-

“To, S.HO. Sahib police station Kalka. It is requested that my name is Priya W/O Devindra Singh resident of Karanpur post Nanakpur Pinjar district Panchkula, I am married on 2-10-22 I know Prince Dhawan r/o Zirakpur for about 04 years. Prince Dhawan opened a small company 04 years back near my house Teepra Baba Balak Nath Colony Bala Ji road Tipra Kalk (Mother's Address). Prince Dhawan used to come to our house and he was my mother's religious brother On 02-04-21 Prince Dhawan came to our house in Kalka and he told my mother that I am taking Priya with me to Zirakpur to get her

a suit. It was my birthday that day. So my mother let me go with Prince Dhawan. Then Prince Dhawan took me with him on a bullet (bike) and got me a lehenga. After which the Prince told me that I have some work near Baltana Light. The Prince took me to a hotel in the narrow streets on the right side at Baldana Light. As soon as we reached the hotel, he started forcing himself on me. When I opposed him, the Prince hit me and threatened me that if you oppose me and don't do as I do, I will get your parents killed, I was very scared. Even after protested, Prince forcibly made physical relations with me. After that he dropped me at my house in Tipra Kalka. After which he threatened me and did wrong with me twice in the same hotel. I don't know the name of that hotels but I can recognize it by looking at them. All I know is that it is only near Balatana Lights. During this he has also taken my dirty pictures which are in his phone. When my relationship for was confirmed on 11-3-22, Prince broke my relationship. After which I am now married to Devindra Singh on 2-10-22. The Prince Dhawan threatens me and my entire family that he will break my relationship and will not allow my house to be settled and will kill my husband. Please take legal action on my complaint”.

Ld. counsel for the petitioner submits that though the alleged incident is stated to be of 2.4.2021, however, FIR was lodged by the complainant-victim only on 23.1.2023. It is submitted that in actual fact the petitioner and the victim were in consensual relationship for one year and that the victim had married thereafter. It is further submitted that the victim had refused to undergo medical examination.

Custody certificate dated 25.7.2023 as well as Status Report dated 13.7.2023 produced by the ld. State counsel are taken on record.

Ld. State counsel submits that charges are yet to be framed; however, admits that the victim had refused to undergo medical examination. It is submitted that petitioner is in custody since 9.2.2023.

After hearing ld. counsel for the parties, keeping in view the totality of facts and circumstances of the case, present petition is **allowed**, and petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of CJM/Duty Magistrate concerned.

However, nothing stated above shall be taken as an expression of opinion on the merits of the case.

26.07.2023.
Joshi

(Nidhi Gupta)
Judge