

## IN THE HIGH COURT OF PUNJAB &amp; HARYANA AT CHANDIGARH

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CRM-M-34318-2023 (O&amp;M)

Date of order: 07.08.2023

Narveer

.....Petitioner(s)

Vs.

State of Haryana

.....Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Aditya Sanghi, Advocate  
for the petitioner.

Mr. Brijesh Sharma, AAG Haryana.

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Nidhi Gupta, J.

Present is the first petition filed by the petitioner under Section 439 of Code of Criminal Procedure (hereinafter referred to as "Cr.P.C.") seeking grant of regular bail in case FIR No.101 dated 10.02.2023 registered under Sections 376, 406 and 506 of Indian Penal Code, 1860 (hereinafter referred to as "IPC") at Police Station City Narnaul, District Mahendergarh, Haryana.

2. FIR in the present case was registered on the basis of statement of the prosecutrix, and the same is reproduced hereinbelow:-

*"To the SHO Police Station City Narnaul. Subject: - Fraud and Rape Regarding. Sir, it is humble request that I Kavita W/o Ajay Kumar Village is, MehadaJatuwas, my nephew Narveer S/o Mahender is resident of Village BayawaliDhaniNangal Chaudhary, he took sum of Rs. 14 Lac from my relatives in the name of recruitment. On 2nd of November I had come to Rohtak for getting cloths, since I got late at night so I stayed with my niece at Ganwadi Village, then in the morning on 3rd of*

*November 2022 nephew called over phone and said that I shall drop you home then he took me to Narnaul in Royal Tulip Hotel and did wrong with me said not to give money upon telling to my family and gave death threat. Therefore, it is requested to you that impartial legal action may please be initiated. Applicant Kavita W/o Ajay Kumar Village MehadaJatuwas Rajasthan 7014194255 Adhar No. 804078619583”.*

3. It is inter alia submitted by learned counsel for the petitioner that the present FIR has been registered on the statement of victim/prosecutrix who is married lady of about 35 years, whereas petitioner is only 24 years old. It is submitted that the petitioner is the son of sister-in-law of the complainant. Learned counsel contends that the petitioner has been falsely implicated in the matter and present FIR has been registered only due to money dispute between the petitioner and the complainant. It is further submitted that the alleged incident is of the 03.11.2022. However, FIR has been registered three months later on 10.02.2023. It is stated that there is no explanation for this inordinate delay of three months. Further, as per the MLR (Annexure P6) of the prosecutrix, no injury was found on her person.

4. Learned State Counsel files custody certificate dated 04.08.2023, which is taken on record. Learned counsel submits that in her statement under Section 164 Cr.P.C. dated 13.2.2023 (Annexure P-3), the complainant has supported the prosecution case; however, admits that in said statement, complainant has admitted that the petitioner is the son of her sister-in-law and that he had taken Rs.14 lakhs from her relatives by way of fraud. Learned counsel for the State points out that there is one other case under Section 420 IPC pending against the petitioner. Learned

counsel further submits that challan was presented on 27.04.2023 (Annexure P2), however, charges are yet to be framed in the matter.

5. I have heard learned counsel for the parties.

6. Without commenting on the merits of the matter, however, keeping in view the totality of the facts and circumstances of the case, including the fact that the petitioner is in custody since 14.04.2023, and trial is yet to commence and it will serve no useful purpose in keeping the petitioner behind bars, the present petition is **allowed**. The petitioner namely Narveer son of Mahender is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

7. However, it is made clear that nothing stated above shall be construed as an expression of opinion on the merits of the case.

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

07.08.2023  
Sunena

(Nidhi Gupta)  
Judge

Whether speaking/reasoned  
Whether reportable

Yes/No  
Yes/No