

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

(108-221)

CRM-11668-2023 in/and
CRM-M-46525-2022
Date of Decision:-15.03.2023

Pintu Kumar

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. Ajay Bhardwaj, Advocate for the petitioner.

Mr. S.S. Pannu, DAG, Haryana.

Mr. Punit Malik, Advocate for the complainant.

ALOK JAIN, J. (Oral)

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Application for placing on record certified copy of the statement of the prosecutrix (PW-5) and prosecution witness (PW-3) as Annexures P-4 and P-5 is allowed subject to just exceptions.

Annexures P-4 and P-5 are taken on record.

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Prayer in this petition is for grant of regular bail to the petitioner in FIR No.216 dated 29.05.2022 (Annexure P-1), registered under Sections 376 (2) (n) and 506 of IPC, at Police Station Badshahapur, District Gurugram.

Status report filed by way of an affidavit of Sh. Sanjeev

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Kumar, HPS, Assistant Commissioner of Police, Sadar, Gurugram, on behalf of State of Haryana, is taken on record.

Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in this case. The entire story in the FIR is false and concocted. The petitioner is in custody since 13.07.2022 and incarceration of the petitioner is unwarranted and as such, the petitioner may kindly be released on bail.

Learned State counsel, assisted by the counsel for the complainant, has opposed the present petition on the ground that the petitioner had threatened the complainant on whatsapp chat and petitioner is resident of Muzaffarnagar, Uttar Pradesh.

Heard the learned counsel for the parties.

The petitioner has been in custody since **13.07.2022**. Trial is likely to take long time. Therefore, no useful purpose would be served by keeping the petitioner in custody.

In view of the above, without commenting upon the merits, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned. In light of the opposition made by counsel for the respondent, he shall, however, be released on the following stringent conditions:

1. The petitioner shall declare his ordinary place of residence and the mobile number used by him.
2. He will not switch off his mobile and in case of any technical glitch, he has to give an alternate number, which will be available in his

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absence.

3. He will mark his presence before the SHO concerned, after every 15 days and in case the SHO refuses to mark his presence, he is permitted to make an application before the Illaqa Magistrate, concerned.
4. He will not leave the country without the prior permission of the Court, for which he will submit the copy of his passport also.

The petitioner shall abide by the terms and conditions as imposed in addition to Section 439 of Cr.P.C.

However, nothing stated above shall be construed as a final expression of opinion on the merits of the case.

In case, it is found that the petitioner has violated any of the terms or has tried to threaten the complainant or any of her family members directly or indirectly, the complainant and/or State is at liberty to file an application for cancellation of bail.

(ALOK JAIN)
JUDGE

March 15, 2023.

Sandeep

Whether speaking/reasoned:-	Yes/No
Whether Reportable:-	Yes/No