

CRM-M-52465-2021 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-52465-2021 (O&M)

Date of Decision:- 09.05.2023

Raj Kumar

...Petitioner

Vs.

State of Haryana

...Respondent

**CORAM:-HON'BLE MS. JUSTICE AMARJOT BHATTI**

Present:- Mr. Kunal Dawar, Advocate  
for the applicant/petitioner.

Ms. Ambika Sood, Additional A.G. Haryana.

Mr. Shiv Charan Bhola, Advocate  
for the complainant.

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**AMARJOT BHATTI, J. (Oral)**

**CRM-4135-2023**

This is an application filed by the applicant/petitioner under Section 482 Cr.P.C. for placing on transcript record alongwith the certificate under Section 65B of Indian Evidence Act 1872 dated 23.08.2021 as Annexure P-11.

For the reasons enumerated in the application, the same is allowed. Accompanied document Annexure P-11 is taken on record.

CRM stands disposed of.

**CRM-M-52465-2021**

Raj Kumar has filed petition under Section 439 Cr.P.C. for grant of regular bail in FIR No. 37 dated 10.03.2021, under Section 376(2)(n), 406, 506 of IPC, registered at Police Station Women, Faridabad (as mentioned in

FIR) and Police Station Sector 31, Faridabad (wrongly mentioned in the order dated 06.10.2021 passed by learned ASJ, Fast Track Court, Faridabad).

The facts of the case are that the prosecutrix gave her statement that she is 30 years of age and illiterate lady. She knew Raj Kumar for the last 8-10 years. He used to help her and her husband financially. They had started committee with him. About 5-6 years ago, her husband raised loan from the bank. The petitioner assured to provide financial help and asked her to give four cheques. She gave two cheques from the account of her husband. He threatened to involve her husband in a false case whenever she asked him to return the cheques. Then in the year 2017 he maintained physical relation with her forcibly in the school. He further threatened to defame her and involve her husband and father-in-law in a false case. He maintained physical relationship with her since 2017 continuously. He also took away 6 tolas of gold ornaments and further said that he will provide her a house. He used to say that she should start living with him by leaving her husband. Ultimately the matter was reported to the police.

The learned counsel for the petitioner argued that he is a senior citizen and falsely involved in this case. Infact, there was financial transaction between him and the family of prosecutrix. He knew Ramesh Chand – father-in-law of the prosecutrix for the last 20-25 years. He has not sexually exploited the prosecutrix. Even otherwise, he was arrested in this case on 04.08.2021 and since then he is behind the bars. The statements of material witnesses have been recorded. He will abide by the terms of bail order. It is prayed that his regular bail application may be allowed.

The bail application is opposed by learned counsel representing the State as well as learned counsel for the complainant. It is argued that there are serious allegations against the present petitioner. Therefore, he is not entitled

to be released on bail. In the status report, it is mentioned that challan was presented on 24.08.2021 and after the framing of charge-sheet five prosecution witnesses have been examined out of the list of fourteen prosecution witnesses. The statement of prosecutrix as PW-1 is also recorded which is Annexure R-2.

I have considered the arguments and have gone through the record. The present petitioner was arrested in this case on 04.08.2021 and he is facing trial in the aforesaid FIR. As per bail application filed by the petitioner, he has mentioned his age as 67 years. In this case after the framing of charge-sheet, five prosecution witnesses have been examined including the prosecutrix as PW-1, Ramesh Chand - father-in-law as PW-2. Therefore, both the material witnesses have been examined and there is no question of petitioner influencing the prosecution witnesses. He is in custody for the last about 1 year 9 months. Trial of this case may take some time. Therefore, without expressing my mind on the merits of the case, the regular bail application filed by the petitioner – Raj Kumar is allowed. He is ordered to be released on bail to the satisfaction of trial Court/Duty Judge concerned.

The petition is accordingly, accepted.

09.05.2023

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**(AMARJOT BHATTI)**  
**JUDGE**

Whether speaking/reasoned:  
Whether reportable:

Yes/No  
Yes/No