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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-44098-2023

Date of Decision:- 28.11.2023.

Pardeep

....Petitioner

Vs.

State of Haryana

...Respondent

CORAM:-HON'BLE MS. JUSTICE AMARJOT BHATTI

Present:- Mr. S.K.Garg, Narwana, Senior Advocate with
Mr. Vishal Garg Narwana, Advocate,
Mr. Mukul Ahuja, Advocate and
Mr. Nitin Sachdeva, Advocate for the petitioner.

Mr. Narender Singh Behgal, AAG, Haryana.

AMARJOT BHATTI, J. (Oral)

1. The petitioner – Pardeep has filed the instant 2nd petition under Section 439 of the Code of Criminal Procedure for grant of regular bail in FIR No. 70 dated 11.04.2022 (Annexure P-1) under Sections 354-D, 376(2)(f), 376(2)(n), 450, 506 of IPC and Section 66E & 67A of I.T.Act (Sections 384 & 406 of IPC were deleted later on), registered at Police Station Women Jind, District Jind.

2. The facts of the case are that the prosecutrix gave her statement to the police that she got married on 09.01.2022 with Sumit Kumar. In the year 2018 she was appointed as Ward Assistant on Army Base Hospital. One boy namely Pardeep entered her house forcibly and started talking with her. He was turned out of the house. Again after few days getting an opportunity, he entered the house and forcibly developed

physical relations with her and also prepared obscene video. When she opposed, Pardeep started threatening to viral the said video on internet. He blackmailed her. He used to tell her to indulge in obscene act on video call. He even started raising demand for money. After her marriage, he had sent her obscene photographs to her husband in order to break her marriage. He followed her at her workplace. Ultimately, she disclosed this fact to her husband and the matter was reported to police. With these allegations, the present FIR has been registered. Later on the offences under Section 384 and 406 of IPC were deleted.

3. Learned counsel for the petitioner argued that all the allegations levelled against the petitioner are false. Their relationship was consensual. It was the prosecutrix who extracted money from him from time to time. He has referred to the statement of Vikas PW-6 Clerk in Indian Overseas Bank, Jind. He never demanded money from the prosecutrix and because of this reason the offences under Section 384 and 406 of IPC were deleted. The prosecutrix and her sister are in a habit of levelling false allegations. He also referred to other litigation which had started. He has also placed on record the copies of Aadhar Card, Election Identity Card where she presented herself to be his wife. Even otherwise the prosecutrix has been examined. He was arrested in this case on 11.04.2022 and since then he is behind the bars. His first regular bail application bearing CRM-M-40861-2022 was dismissed as withdrawn vide order dated 22.05.2023. He is ready to abide by the terms of bail order. It is prayed that his second regular bail application may be allowed.

4. The learned counsel representing the State has proved on record the detailed status report. It is pointed out that after investigation challan has

been presented and till date seven prosecution witnesses have been examined including the prosecutrix. Considering the gravity of offence, the petitioner is not entitled to be released on bail.

5. I have considered the arguments and have gone through the record carefully. So far as the merits of the case are concerned, the same will be decided by the learned trial Court by appreciating the evidence. It cannot be ignored that the prosecutrix was a working lady and she was major at the time of alleged occurrence. Her statement has been recorded as PW-2 which is Annexure P-5. The present petitioner is behind the bars since 11.04.2022. The trial of this case may take some time. The present petitioner cannot be kept behind the bars for indefinite time period.

Considering these facts, without expressing my mind on the merits of the case, the 2nd regular bail application filed by the present petitioner-Pardeep is allowed. He is ordered to be released on bail on furnishing bail bonds and surety bonds to the satisfaction of trial Court/Duty Judge concerned.

The petition is accordingly, accepted.

Pending application(s), if any, shall also stands disposed of.

28.11.2023

Sunil Devi

(AMARJOT BHATTI)
JUDGE

Whether speaking/reasoned
Whether reportable

:Yes/No
:Yes/No