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

CRM-M-47281-2023 (O&M)

Date of Decision: 13.10.2023

PARDEEP

.... Petitioner

VERSUS

STATE OF HARYANA

.... Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Pradeep Duhan, Advocate for the petitioner.

Ms. Priyanka Sadar, AAG Haryana.

Mr. Pardeep Panwar, Advocate for the complainant.

ALKA SARIN, J. (ORAL)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.312 dated 23.07.2023 under Sections 195-A, 354-A, 354-D, 452, 506 of the Indian Penal Code, 1860 registered at Police Station Old Sabji Mandi, District Rohtak.

2. Learned counsel for the petitioner would contend that the petitioner has been implicated in a totally false case. It is further the contention that the present FIR was lodged on 23.07.2023 on the allegations that the petitioner had forcibly entered into the house of the complainant and outraged her modesty and had threatened her that if she deposed against him,

she and her children would be killed. Learned counsel would further contend that earlier the petitioner had lodged FIR No.238 dated 30.05.2021 under Sections 354-D and 506 of IPC at Police Station Old Sabji Mandi, District Rohtak which is pending before the Trial Court for evidence of the complainant. Learned counsel would further contend that in FIR No.238 (supra), the complainant has not been appearing and now it has been directed that her presence be secured through non-bailable warrants of arrest. Learned counsel would further contend that the challan in the present case stands presented and that the petitioner has been in custody for a period of 1 month and 19 days.

3. Learned counsel for the State has filed the custody certificate and as per the custody certificate the petitioner has been in custody for a period of 1 month and 19 days. Learned counsel is not in a position to deny the fact that earlier the petitioner had lodged FIR No.238 dated 30.05.2021, under Sections 354-D and 506 of IPC at Police Station Old Sabji Mandi, District Rohtak in which the complainant is not coming forth for recording her evidence and vide order dated 10.10.2023 non-bailable warrants of arrest have been issued to secure her presence. Learned State counsel, on the instructions from HC Reena, has stated that neither there is any medical in the present case nor any phone was recovered from the petitioner containing either photographs or video, as alleged in the FIR.

4. Heard.

5. In the present case the FIR was lodged by the complainant on

the ground that on 13.07.2023 the petitioner had forcibly entered her house and outraged her modesty and also threatened her that if she deposed in the case against him, she and her children would be killed. The further allegation was that the petitioner had some photographs of the complainant which he would make viral. Though the incident is alleged to have occurred on 13.07.2023 at about 8:00 pm, the FIR was lodged on 23.07.2023. In FIR No.238 dated 30.05.2021 under Sections 354-D and 506 of IPC, registered at Police Station Old Sabji Mandi, District Rohtak, the complainant is not coming forward for recording her testimony. In the order dated 10.10.2023 it has been noticed that the complainant has not appeared despiteailable warrants having been issued to secure her presence. In the said case now non-ailable warrants of arrest have been issued for securing the presence of the complainant. There is neither any medical in the present case nor any recovery is stated to have effected from the petitioner to prima facie corroborate the allegations as made in the FIR. The petitioner has been in custody for a period of 1 month and 19 days. The trial is likely to take some time to conclude and no useful purpose would be served by keeping the petitioner behind the bars any further.

6. In view of the above and without commenting upon the merits of the case, this Court deems it to be a fit case to grant the concession of regular bail to the petitioner. The petitioner is directed to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Additional Sessions Judge (Duty) concerned.

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7. However, the Prosecution will always be at liberty to apply for cancellation of bail in case the petitioner is found to be misusing the concession of bail in any manner.

8. It is also made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

9. Disposed of. Pending applications, if any, also stand disposed of.

13.10.2023
Aman Jain

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO