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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-50738-2022 (O&M)

Date of Decision:- 20.03.2023

KIRAN

....Petitioner

Vs.

STATE OF HARYANA

...Respondent

CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Aakash Juneja, Advocate
for the petitioner.

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

AMARJOT BHATTI, J. (Oral)

The petitioner – Kiran has filed the instant petition under Section 439 Cr.P.C. for grant of regular bail in FIR No. 40 dated 03.02.2022, under Section 354-D, 376(2)(n), 377, 506, 34 of IPC (later on added 66 (C) (D) (E) of IT Act, 120-B of IPC) registered at Police Station Purani Sabji Mandi, Rohtak.

The facts of the case are that the prosecutrix gave her statement to the police that she came in contact with Dimple Kapoor when she was studying in 11th class. After the year 2018, he started pressurizing her to have physical relations with him. Ultimately, she had physical relations with him several times. He took her to different places and physically abused her and raped her even against her wishes. He indulged her in unnatural relationship. Both the accused i.e. Dimple and Kiran hacked her

Facebook ID and started threatening to defame her by putting her photographs on Facebook. Ultimately, she disclosed about this fact to her sister and brother-in-law. She was abused and ill treated by the mother of accused. Even thereafter, both the accused pressurized her to meet them again. They threatened her. Ultimately, the matter was reported to the police and the present FIR has been registered.

Learned counsel for the petitioner argued that he is falsely implicated in this case. He has not committed any offence. He is involved under Section 120-B of IPC. The prosecutrix was allegedly having relationship with Dimple and he is involved in this case being brother of the main accused. Even otherwise, the relation between them was consensual. He is behind the bars since 22.02.2022. 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. Detailed status report is filed. It is mentioned that after completion of investigation, challan has been presented in the Court on 10.05.2022. The charge-sheet has already been framed and till date no witness has been examined. It is argued that there is specific role attributed to the petitioner that he used the Gmail account of the prosecutrix and he also forced her to meet him and his brother. It is prayed that considering the gravity of offence, the regular bail application may be dismissed.

I have considered the arguments and have gone through the record carefully. As per the facts narrated above, the main allegations of rape and outraging her modesty are against Dimple Kapoor who is brother of the present petitioner. The allegations against the present petitioner are falling under Section 120-B of IPC as well as under the provisions of

Information and Technology Act. Investigation is complete and the challan is already presented. The present petitioner is behind the bars for a period of more than one year. Trial of this case may take long time. Therefore, without expressing my mind on the merits of the case, the regular bail application filed by the petitioner – Kiran is allowed. He is ordered to be released on bail to the satisfaction of trial Court/Duty Judge concerned.

The petition is, accordingly, accepted.

Pending application, if any, also stands disposed of.

20.03.2023
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(AMARJOT BHATTI)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No