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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-54265-2022

Date of Decision:- 12.01.2023.

VISHESH WADHWA

....Petitioner

Vs.

STATE OF HARYANA

...Respondent

CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Gagan Oberoi, Advocate and
Ms. Jaya Kumari, Advocate
for the petitioner.

Ms. Ambika Sood, Addl. AG, Haryana.

AMARJOT BHATTI, J. (Oral)

The petitioner – Vishesh Wadhwa has filed the instant petition under Section 439 Cr.P.C. for grant of regular bail in FIR No.20, dated 29.01.2022 under Sections 354-D, 506 IPC and 376 (2) (n) and Section 67 Information and Technology Act, 2000 (added later on) registered at Police Station Bajghera, District Gurugram.

The facts of the case are that the complainant Ritika Gachli gave her statement to the police that her sister is working in Qatar Airlines and is living in Doha permanently. She came to India during pandemic and met Vishesh Wadhwa in 2021 and then they started dating. After few months, he started blackmailing her, stalking her and even beaten her. He made an intimate video of her while they were in relationship and he started blackmailing her. Her sister did not want to stay with Vishesh Wadhwa but he blackmailed her by saying that he would post the video on porn

website. He also started blackmailing to the complainant, her brother and mother. He blackmailed that he will spoil their lives in the society. Her sister was talking to him under pressure. He was continuously threatening to put those videos on social website. Ultimately, the present matter was reported to the police and the present FIR has been registered.

Learned counsel for the petitioner argued that all the allegations levelled against him are false. There is delay in lodging the FIR. The prosecutrix refused for her medical examination. The statement of prosecutrix is already recorded, where she admitted that it was the consensual physical relationship. The copy of the statement is Annexure P-2. There is no objectionable video or photograph. The prosecutrix continued with the relationship even after 01.08.2021. Counsel for the petitioner has placed on record the booking of hotel, travelling record as well as screenshots of the video which are Annexure P-4 to P-11. During this period they stayed in different hotels. The allegations are false. Moreover, he is ready to face the trial. It is prayed that his regular bail application may be allowed.

The bail application is opposed by learned counsel representing the State and also filed status report. It is argued that there are specific serious allegations of rape and blackmailing the prosecutrix. After completion of investigation, the challan was presented in Court and the charge-sheet has been framed on 11.05.2022. Till date, six prosecution witnesses have been examined and the case is pending for remaining evidence. Along with status report, the statement of the victim recorded under Section 164 Cr.P.C. as well as the report of Cyber Lab DITAC CID, Gurugram are also placed on record. It is argued that considering the

gravity of offence, the petitioner is not entitled to be released on bail.

I have considered the arguments advanced before me and I have gone through the record carefully. As per the status report produced on file, the challan is already presented and after framing of charge-sheet, the case is fixed for prosecution evidence. At the time of filing of status report, six prosecution witnesses have already been examined. It is also matter of record that the statement of prosecutrix is also recorded in the Court as PW-5, which is Annexure P-2. Therefore, the vulnerable witness i.e. the prosecutrix is already examined. The statement of complainant as PW6 is also recorded which is Annexure P-3. There is record relied upon by the petitioner to establish that both of them were travelling to different places and staying together. The said record can be considered at the appropriate stage.

Considering the aforesaid factual position, I find merits in the regular bail application filed by the petitioner – Vishesh Wadhwa and the same is, accordingly, allowed. He is ordered to be released on bail to the satisfaction of trial Court/Duty Judge.

The petition is disposed of.

12.01.2023

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(AMARJOT BHATTI)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No