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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-60951-2022 (O&M)

Date of Decision:- 08.02.2023

VIKRAM ALIAS KALA

....Petitioner

Vs.

STATE OF HARYANA

...Respondent

CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Vikas Bishnoi, Advocate
for the petitioner.

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

AMARJOT BHATTI, J. (Oral)

CRM-5177-2023

This is an application filed by the petitioner u/s 482 Cr.P.C. for placing on record the statement of prosecutrix dated 13.01.2023 and FSL report dated 13.09.2022 recorded before the trial Court as Annexure P-5 and Annexure P-6.

For the reasons enumerated in the application, the same is allowed. Accompanied documents i.e. Annexure P-5 and Annexure P-6 are taken on record.

The application stands disposed of.

CRM-M-60951-2022

The petitioner – Vikram @ Kala has filed the instant petition under Section 439 Cr.P.C. for grant of regular bail in FIR No. 208 dated 24.08.2022 under Sections 346 of IPC (Section 376(2)(n), 384, 450, 506 of

IPC and Section 66-E of Information Technology Act, 2008 were added during investigation and Section 346 of IPC has been deleted), registered at Police Station Sadar Tohana, District Fatehabad.

The facts of the case are that Naresh Kumar – complainant gave his statement to the police that on 24.08.2022 at about 04:00 A.M. in the morning, his wife who is mentally disturbed left the house without informing anybody. He disclosed about the dis-appearance of his wife and prayed that she may kindly be searched. The FIR was registered under Section 346 of IPC at Police Station Sadar Tohana and the investigation was carried out. During investigation, she was recovered from her parental house in Village Dilowali, District Kaithal on 25.08.2022. Her statement was recorded where she disclosed that she had gone to Bus Stand and boarded a bus and reached Kaithal Gurudwara. She further disclosed that she had gone to Kalwan with the family for worshipping at a Mandir where she came in contact with Vikram and thereafter, Vikram started visiting their house for the last about 4 months. On 24.08.2022, he came to her house at 11:00 P.M. and forcibly did wrongful act with her and threatened her with dire consequences. He blackmailed her that he would defame her by showing her photographs. The statement of the victim was also recorded under Section 164 Cr.P.C. The FIR was registered under Section 376, 450, 506 of IPC and Section 67 of IT Act. After completion of investigation, challan was presented in the Court by including the offence under Section 66 E of IT Act. The charge-sheet has been framed and the evidence is under progress.

Learned counsel for the petitioner argued that the allegations levelled against him are false. He has not committed any offence nor he ever blackmailed the victim by showing objectionable photographs. He

was arrested by the police on 26.08.2022 and since then, he is behind the bars. Even the prosecution witnesses have not supported the version. He referred to the statement of the victim as PW3, Annexure P-5 where she has not levelled any allegation against him. He also referred to the report of Forensic Science Laboratory, Annexure P-6, according to which semen could not be detected on any exhibits mentioned in the report. It is argued that the petitioner is ready to abide by the terms of bail order. Therefore, his regular bail application may be allowed.

The bail application is opposed by learned counsel representing the State. It is argued that the victim had left the house on 24.08.2022 and was ultimately recovered on 25.08.2022. Her statement was recorded during investigation. There are serious allegations of rape and threatening her by showing objectionable photographs. The prosecution evidence is under progress. Considering the gravity of offence, he is not entitled to be released on bail.

I have considered the arguments and have gone through the record carefully. As per the facts referred above, the FIR was registered on the statement of husband of the victim. She was recovered and her statement was recorded in which she levelled the allegations of rape and being blackmailed by the petitioner. The investigation is already completed and the challan was presented in the Court. During the trial, the statement of the victim is also recorded as PW-3 and it is Annexure P-5. In the said statement, the victim has not levelled any allegation against the petitioner. The petitioner has also relied upon the report of Forensic Science Laboratory. However, the prosecution evidence is still going on. The trial of this case may take long time. Considering the aforesaid facts, the petitioner cannot be kept behind the bars with indefinite time period.

Therefore, without expressing my mind on the merits of the case, the regular bail application filed by the petitioner – Vikram @ Kala is allowed. He is ordered to be released on bail to the satisfaction of trial Court/Duty Judge concerned.

The petition is, accordingly, accepted.

08.02.2023
lalit

(AMARJOT BHATTI)
JUDGE

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