

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

228

CRM-M-1929-2024 (O&M)
Date of decision: 16.05.2024

RAVI @ RAVI KUMAR

...Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present : Mr. Vivek K. Thakur, Advocate
for the petitioner.

HARPREET KAUR JEEWAN, J.

1. The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.229 dated 15.11.2022 (Annexure P-1) under Sections 376(2)(n) and 506 IPC (Sections 376(3) IPC and Section 6 of the POCSO Act, 2012 added later on) registered at Police Station Women, District Karnal.
2. Notice of motion.
3. On the asking of the Court, Mr. Kirpal Singh Thakur, AAG, Haryana accepts notice on behalf of the respondent-State.
4. Custody certificate dated 14.05.2024 has been filed on behalf of the respondent-State, which is taken on record. As per the custody certificate, the petitioner has undergone 01 year 05 months and 26 days of actual custody.
5. Status report by way of an affidavit of Veer Singh, HPS, Deputy Superintendent of Police, City Karnal has been filed on behalf of the respondent-

State, which is taken on record.

6. As per the prosecution case, the present FIR was registered at the instance of the complainant/prosecutrix with the allegations that the petitioner has repeatedly committed rape upon the prosecutrix on the pretext of marriage. After registration of the FIR, the statement of the prosecutrix was recorded under Section 164 Cr.P.C. which reads as under:

“I was having friendship with Ravi from the last 4-5 years. He told me that he will marry me. He took my obscene photograph. By extending threat of defamation, he raped me several times. 2 1/2 years, he went to Dubai. Thereafter, my parents got done my engagement and the said fact has been told by Ravi's friend to him. After 3 days of engagement, he came back to village. My friend told me about Ravi. I was under the threat that Ravi might have sent my photograph to my husband. I went to meet him. On 15.09.2022, he made wrongful acts with me by showing the photograph. On 02-10-2022, my marriage was solemnized. Thereafter, he told my husband everything and sent the photograph. He told my husband that he will make viral all the photographs. He extending threat to kill my husband. My husband is also saying to give me divorce.”

7. Learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in this case and he is in custody since 19.11.2022 as under-trial. There is no medical evidence supporting the allegations against the petitioner. He further contends that the prosecutrix got married to someone else. The petitioner is ready to face trial. There are total 16 witnesses, out of which only statement of the prosecutrix has been recorded. The trial is going to take time to conclude, as such, prayer for releasing the petitioner on bail has been made.

8. On the other hand, learned State counsel on instructions from SI Ramesh has opposed the bail petition on the ground of gravity of allegations against the petitioner. He has informed that investigation is complete and final

report under Section 173 Cr.P.C. has been presented before the trial Court. As per custody certificate, there is no history of any other cases against the petitioner. It has been confirmed that the statement of the prosecutrix has already been recorded.

9. I have considered the aforesaid contentions. Investigation is complete and the final report under Section 173 of the Code of Criminal Procedure has been presented before the trial Court. The petitioner is in custody for 01 year 05 months and 26 days.

10. At the time of registration of the FIR, the prosecutrix was major. She lodged the present FIR after solemnizing her marriage with someone else. There are total 16 witnesses, out of which only the statement of the prosecutrix has been recorded, as such conclusion of the trial will take time. There is no apprehension absconding of the petitioner. As per custody certificate, there is no history of other cases against the petitioner.

11. In view of the above, the petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing adequate bail bonds and surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

12. However, it is made clear that nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.

13. Pending miscellaneous application (s), if any, shall also stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

16.05.2024
P.Bhatt

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