

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

244

CRM-M-1994-2024 (O&M)
Date of decision: 06.03.2024

AJAY VEER ALIAS CHINTU

...Petitioner

Versus

STATE OF HARYANA AND ANOTHER

...Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present : Mr. Johan Kumar, Advocate
for the petitioner.

Mr. Kirpal Singh Thakur, AAG, Haryana.

Mr. Akshit Mehta, Advocate
for respondent No.2.

HARPREET KAUR JEEWAN, J. (ORAL)

1. Prayer in the present petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case bearing FIR No.276 dated 21.11.2023 registered under Section 376(2)(n) and 506 IPC at Police Station Chhainsa, District Faridabad.
2. The petitioner is facing trial in the present case, which has been registered at the instance of the complainant with the allegations that the petitioner had enticed away the complainant, who was residing in his neighborhood and forcibly developed physical relationship with her. The petitioner had also captured her obscene photographs in his mobile phone.
3. Status report by way of an affidavit of Rajesh Kumar Lohan, HPS, Assistant Commissioner of Police, Tigaon, District Faridabad has been filed on

behalf of respondent-State, which is taken on record.

4. Learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in this case and the petitioner is in custody since 21.11.2023. He further contends that the present FIR was registered due to some misunderstanding between the parties. Now the complainant, who is 33 years old married woman has executed an affidavit (Annexure R-1) that she has no objection in case bail is granted to the petitioner. He submits that the trial is going to take time to conclude, as such, prayer for releasing the petitioner on bail has been made.

5. On the other hand, learned State counsel opposes the bail on the ground of gravity of allegations levelled against the petitioner, however he has verified the authenticity of the said affidavit (Annexure R-1) having been executed by the complainant. He has informed that the final report under Section 173 Cr.P.C. has already been presented before the trial Court and charges have also been framed.

6. I have considered the aforesaid contentions. No doubt the allegations against the petitioner are serious in nature but the petitioner is in custody since 21.11.2023. Investigation is complete and the final report under Section 173 of the Code of Criminal Procedure has been presented before the trial Court; even the complainant has executed an affidavit stating that she has no objection in case bail is granted to the petitioner, the trial will take some time to conclude and there is no apprehension of the petitioner absconding during the trial.

7. Without commenting on the merits of the case and keeping in view the above facts, the present petition is allowed.

8. The petitioner is ordered to be released on regular bail, subject to his

furnishing adequate bonds/surety to the satisfaction of the trial Court/CJM, concerned.

9. All pending miscellaneous application(s), if any, stands disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

06.03.2024
P.Bhatt

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