

IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

216

CRM-M-8990-2024 (O&M)  
Date of decision: 18.04.2024

SUMIT

...Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present : Mr. Rajesh Malik, Advocate  
for the petitioner.

Mr. Kirpal Singh Thakur, AAG, Haryana.

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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.156 dated 08.12.2022 (Annexure P-1) under Sections 376, 323, 506, 509, 204 of the IPC, registered at Police Station Women Central, District Faridabad.
2. Custody certificate dated 17.04.2024 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 03 months and 02 days of actual custody.
3. As per the prosecution case, initially a zero FIR No.03 dated 26.11.2022 under Sections 376, 323, 506, 509 IPC was registered at Police Station Patel Nagar, Delhi. After receiving the copy of the said FIR, the present FIR bearing No.156 dated 08.12.2022 under Sections 376, 323, 506, 509, 204 of the IPC was registered at Police Station Women Central, District Faridabad.

3.1. As per the version of the prosecutrix, who is about 26 years of age, the petitioner was introduced to the prosecutrix by his sister and thereafter they started conversing with each other on their mobile phones. In October 2020, the petitioner took the prosecutrix to a hotel XXX, Faridabad and developed physical relationship with her and also made a video on his phone. Thereafter, the petitioner started blackmailing the prosecutrix and demanded money from her. On 01.09.2022, the petitioner had an abusive conversation with the mother of the prosecutrix. Further, on 06.09.2022, the petitioner forced the prosecutrix to sit in an auto with him, showing her his mobile phone, wherein there were MMS of several other girls.

4. Learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in this case and he is in custody since 16.01.2023. He further contends that final report under Section 173 Cr.P.C. has been presented before the trial Court and charges have also been framed. The petitioner is ready to face trial. He submits that there are total 23 witnesses and 6 witnesses including the victim have already been examined during the trial. He further submits that the trial is going to take time to conclude, as such, prayer for releasing the petitioner on bail has been made.

5. Status report by way of an affidavit of Monica, HPS, Assistant Commissioner of Police, Women Safety, Faridabad along with copy of MLR of the prosecutrix (Annexure R-1), statement under Section 164 Cr.P.C. (Annexure R-2), MLR of the petitioner (Annexure R-3) and DITAC report (Annexure R-4) have been filed on behalf of the respondent-State, which are taken on record.

6. On the other hand, learned State counsel on instructions from ASI Suman has informed that investigation is complete, final report under Section 173

Cr.P.C. has been presented before the trial Court and charges have also been framed. As per the custody certificate, there is no history of other cases against the petitioner.

7. I have considered the aforesaid contentions. Investigation is complete; the final report under Section 173 of the Code of Criminal Procedure has been presented before the trial Court and charges have also been framed. Statement of the prosecutrix has already been recorded during the trial. As per the medico legal examination report of the prosecutrix (Annexure R-1), no fresh external injury was found and her age was recorded as 26 years. As per the report of Digital Investigation Training & Analysis Centre CID, Gurugram, qua the mobile phone (Annexure R-4), the data could not be extracted since the mobile phone was received in damaged condition. The allegations against the petitioner are matter of trial, which will take some time to conclude as there are total 23 witnesses, out of which only 6 witnesses have been examined so far.

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

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

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

(HARPREET KAUR JEEWAN )  
JUDGE

18.04.2024  
P.Bhatt

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |