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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-9213-2024
Date of Decision:- 26.04.2024

Sachin ...Petitioner

Versus

State of Haryana ...Respondent

CORAM:-HON'BLE MS. JUSTICE AMARJOT BHATTI

Present:- Mr. Sukhdev Singh, Advocate for Mr. Vikram Singh, Advocate
for the petitioner.

Mr. Deepak Grewal, DAG, Haryana.

AMARJOT BHATTI, J. (Oral)

1. The petitioner – Sachin has filed the instant petition under Section 439 Cr.P.C. for grant of regular bail in FIR No. 167 dated 23.03.2022 under Section 376 (2) (n), 380, 506, 120-B of I.P.C. registered at Police Station City Ballabgarh, District Faridabad.
2. The facts of the case are that the prosecutrix gave her statement that she is mother of four year old daughter. She came in contact with Chanderpal Yadav’s son about two and a half years ago. He further introduced her with Sachin Kumar and Amit, sons of Gajender Chaudhary alias Khalifa. She was lured by Sachin on the pretext of marriage. She was taken to Ballabgarh, Faridabad. Sachin repeatedly raped her on the pretext of marriage. Apart from this, Sachin used to tell his brother to rape her in front of him. Even Gajender alias Khalifa raped her against her wishes. She was converted to Hindu religion. Even then Sachin did not marry her.

His father Gajender Chaudhary used to threaten her that he had already committed four murders and the cases are pending in the Court of Bulandshahr. On 28.02.2022, Sachin had taken away her gold ornaments in her absence. She tried to contact Sachin but he was not available. Ultimately, she filed this complaint.

3. Learned counsel for petitioner argued that earlier regular bail application filed by present petitioner bearing CRM-M-1010-2023 was declined vide order dated 08.06.2023 which is Annexure P-5. Present petitioner is behind the bars since long and trial is progressing at slow pace. The material witnesses have been examined. The allegations levelled against him are false. In-fact, present petitioner had performed marriage with alleged victim. The photographs are Annexure P-1. This fact has been confirmed even as per the status report in para No.9 that the petitioner and prosecutrix had performed marriage on 28.06.2020 in Sai Mandir, Sikarpur, Bulandshahr, U.P. He is ready to abide by terms of bail order. It is submitted that his regular bail application may be allowed.

4. The bail application is opposed by learned State counsel Detailed status report has been filed. As per the status report, after completion of investigation challan has been presented on 05.08.2022 and the present petitioner was chargesheeted under Section 376 (2) (n) and 506 of IPC on 07.10.2022. Thereafter, out of 16 prosecution witnesses, 5 prosecution witnesses have been examined including prosecutrix as PW2, Geeta wife of Rajender (PW3), Udit (PW4) along with two formal witnesses. It is submitted that allegations are of serious nature. Therefore, the bail application filed by petitioner may be declined.

5. I have considered the arguments and have gone through the

record. Earlier regular bail application filed by petitioner was declined by this Court, vide order dated 08.06.2023 in CRM-M-1010-2023 (Annexure P-5). Status report indicates that proceedings in trial are still under progress. Earlier only the prosecutrix was examined as PW2 but as per recent status report dated 16.03.2024, total five prosecution witnesses have been examined. Petitioner claimed that he had performed marriage with the prosecutrix whereas this aspect of the case will be dealt with by learned trial Court at the time of final adjudication of the case. During the pendency of the trial, one application under Section 319 Cr.P.C. was filed which was declined by learned trial Court vide order dated 19.09.2023 which is Annexure P-9. The recording of statements of other witnesses may take some time. Present petitioner is behind the bars for the last about 1 year 10 months. Since the material witnesses have been examined, present petitioner cannot influence the witnesses in any manner.

6. Considering the aforesaid facts without expressing my mind on the merits of the case, regular bail application filed by Sachin is allowed. He is ordered to be released on bail on furnishing bail bonds/surety bonds to the satisfaction of trial Court/Duty Judge concerned.

7. The bail application stands accepted.

8. Pending application (s), if any, also stands disposed of.

26.04.2024

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(AMARJOT BHATTI)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No