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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRA-S-814-2024 (O&M)

Date of Decision: 08.04.2024

Rajan Kumar

Vs.

.. Appellant

State of Haryana and another

..Respondents

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Balwinder Sangwan, Advocate,
Mr. Savreet Singh Brar, Advocate and
Mr. Krishna Maurya, Advocate for the appellant.

Ms. Ankita Ahuja, AAG, Haryana.

Mr. Tajeshwar Singh Sullar, Legal Aid Counsel
for respondent No.2.

...

SUMEET GOEL, J. (Oral)

1. Present appeal has been filed under Section 14-A of the Scheduled Caste & Scheduled Tribes (Prevention of Atrocities) Act, 1989 for grant of regular bail to the appellant in case bearing FIR No.129 dated 05.08.2023, registered for the offences punishable under Sections 313, 34 and 376(2)(n) of IPC, Section 3(2)(v) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (Sections 313 and 34 IPC deleted later on) at Police Station Women NIT, Faridabad.
2. The case set up in the FIR in question (as set out by the appellant in the present appeal) is as follows:-

“Brief circumstances of the case are such that on 05.08.2023, Plaintiff Rani came to Women Police Station NIT, FBD and recorded her statement before the legal aid which is

as follows, statement is unknown to Rani, daughter of Vinod Kumar, resident of H. No.A-2 110, Madanpur Khadar JJ Colony New Delhi age 22 years Education 10th Mob. 8810405723 stated that I am resident of the above address and I do job in Motherson Subhi System Limited Company, 37 Faridabad. We are four sisters and one brother, I am the second among the sisters and brothers. In the year 2021, I met my acquaintance Rajan. We both became friends. On the birthday of the girlfriend of his friend Sahil, he took me to K.C Road NIT OYO Hotel Faridabad. Rajan mixed something in my food. On 28 February 2021, Rajan had sex with me in an intoxicated state at OYO Hotel. He kept having physical relations with me repeatedly on the pretext of marriage. When I told Rajan about getting married, he replied that he would marry only when he has money. I became one month pregnant in March 2022. Rajan forcibly gave me abortion pills saying that I did not have enough money to take the responsibility of the child. After that his parents sent Rajan to Bihar. After 6 months there was no talk between me and Rajan. After that I went to Sarita Bihar to complain against Rajan, I did not register my complaint because parents of Rajan assured me that they will get her married. After that, his parents called Rajan to Delhi, in 2023 took me to Border Delhi Hotel and had physical relations, then Rajan's parents said that your caste is Jatav and we are Rajput. That's why we can't get you married to Rajan. You belong to a lower caste. We will not adopt you. On 01.08.2023, I had gone to talk to Rajan's family members. They called the police by dialing 100. Then the police took us to Sarita Bihar police station and asked us why you had gone to their house. I told the police that I had a relations with Rajan for three years and he kept having physical relations with me repeatedly on the pretext of marriage. Then the police of Sarita Bihar Police Station asked me that where was the first incident that happened with me, then I told the police that the first incident happened with me with Rajan at OYO Hotel Faridabad near KC Chowk, I should get justice by taking legal action against Rajan and his parents. I wrote my statement in front of my parents and heard which is correct SD/- Rani Statement of Victim is recorded in my Presence SD/- Nahid 05/08/2023 Legal Aid Counsel 8586001551 Attested Sunita ASI WPS NIT FBD Dt 05.08.2023."

3. Learned counsel for the appellant has argued that the appellant is in custody since 31.08.2023. Learned counsel has further argued that there was a consensual relationship between the appellant and the victim which is clearly decipherable from whatsapp chat between them (copy whereof has been appended as Annexure P-4). Learned counsel for the

with the victim/complainant on account of supervening circumstances beyond his control. Thus, regular bail is prayed for.

4. Learned State counsel as also learned counsel for respondent No.2/complainant have opposed the present appeal arguing that the allegations raised are serious in nature and thus the appellant does not deserve the concession of the regular bail. Reply on behalf of respondent No.2/complainant has also been filed in the Court today and the same is taken on record. Copy thereof has been furnished to the learned counsel for the appellant.

5. I have heard counsel for the parties and have gone through the available records of the case.

6. The appellant was arrested on 31.08.2023 whereinafter investigation was carried out and challan stands presented on 26.09.2023. Total 17 prosecution witnesses have been cited and culmination of the trial will take its own time. The rival contention of learned counsel for the parties; as to whether there was consensual relationship between the appellant and the victim as also whether the appellant could not marry the victim due to supervening circumstances beyond his control; shall be gone into during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, lest it may prejudice the trial. Nothing perceptible has been brought forward to indicate the likelihood of the appellant absconding from the process of justice or interfering with the prosecution evidence. As per custody certificate dated 06.04.2024 filed by learned State counsel, the appellant has already suffered incarceration for a period of more than 07 months & is not shown to be

involved in any other case. Suffice to say, further detention of the appellant as an undertrial is not warranted in the facts and circumstances of the case.

7. In view of totality of factual matrix of the present case, the instant appeal is allowed. Appellant is ordered to be released on regular bail on his furnishing bail/local surety bail bonds to the satisfaction of the concerned learned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned learned CJM/Duty Magistrate, the appellant shall remain bound by the following conditions:-

- (i) The appellant shall not mis-use the liberty granted.
- (ii) The appellant shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The appellant shall not absent himself on any date before the trial.
- (iv) The appellant shall not commit any offence while on bail.
- (v) The appellant shall deposit his passport, if any, with the trial Court.
- (vi) The appellant shall give his cellphone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaqa Magistrate.
- (vii) The appellant shall not in any manner try to delay the trial.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the appellant.

9. Ordered accordingly.

10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

11. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

08.04.2024

(SUMEET GOEL)
JUDGE

Jasmine Kaur

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No