

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-10951-2023

Date of decision: 11.01.2024

Rahul Kumar

....Petitioner

V/s

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Paramjeet Phor, Advocate for the petitioner.

Ms. Mahima Yashpal DAG Haryana.

SUMEET GOEL, J.

1. Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.330 dated 30.11.2022, registered for the offences punishable under Sections 323, 354-D, 376(2)(n), 506 IPC and Section 67-A of Information Technology Act, 2000 at Police Station DLF Phase-III, District Gurugram.

2. The case set up in the FIR in question is as follows:-

"To, The SHO, P.S. DLF, PH-3. It is requested that I Kajal d/o Sandeep Kumar r/o House No. A-13, Tikkar Mohalla, Ghadi Ground, South Delhi 110068 presently residing at S block, Sector-24, Gali No. 55, Building No. 6, Nathupura, DLF, PH-3, Gurugram. In 2019 I met with Rahul at a rented house in Saket in Delhi. He used to come at my house because of mother's friendship. One day without information Rahul came at my house when my mother was not at home. Then Rahul asked me that where is your mother and I said she left for job. Thereafter, Rahul took my phone and got my number and gave his number 93554- 20097 to me and he started talking to me as a friend. One day again he asked me that your mother is at home then I said she is at her job. Thereafter, he suddenly came at my house and made forcibly physical relations, recorded the video and asked for smiling picks, nude picks but due to fear I used to sent him. Many times asked for nude picks, videocall by giving threat and when I used to refused

to do he started giving threat and I was in trouble. He used to blackmail me to go to washroom for making nude videos and picks and due to fear I did the same. But now I have been fed up and told entire story to my mother. My mother tried a lot, then Rahul forced me to talk on my sister's number. In March, 2022 when I was alone at rented house at Nathupur, House Number do not remember he did wrong act against my will and said I will marry with you, do not tell this to anybody. He keeping doing wrong act by threatening to make the video viral. But now I came to know that he is married. He gave beatings many times and he kept giving threat to kill me by pressing the neck. He used to call me come out of the house and beat me and said you come to me taking money from the home. When I refused he sent my picks to my entire family. Rahul gave me threat that if you tell this to your mother then I will viral your videos. Then I changed my number and August, 2021 I used to start living with my family at S Block, DLF PH-3, Gurugram. One day I was going to leave my younger sister to School. Rahul met me on the way and followed me to my house, my phone was hacked and video call came at my whatsapp and said I will viral your video if you do not come to me. Now I am in trouble. I want to justice. Please help me out. Rahul must be punished so that he can't play with the life of a girl. I am giving this complaint in the presence of Legal Advisor Rajbala. Mobile Number of Rahul 9354420097, 9354340761 Sd/- Kajal”

3. Learned counsel for the petitioner contends that the FIR is a result of falling apart of the consensual relationship between the petitioner and the prosecutrix; all prosecution witnesses have been examined; petitioner is in custody since 18.12.2022 and no useful purpose would be served by keeping the petitioner behind the bars.
4. Learned State counsel has opposed the present petition arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of the regular bail.
5. I have heard counsel for the parties and have gone through the available records of the case.

6. The issue of consensual relationship between the parties would be gone into during the course of trial; all prosecution witnesses' stand examined; no tangible material has been brought before this Court to indicate likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence. Hence, in my considered opinion of this Court, further detention of the petitioner is not warranted.

7. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner 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/Illaq Magistrate.
- (vii) The petitioner 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 petitioner.

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.

(SUMEET GOEL)
JUDGE

January 11, 2024
Ajay

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