

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

210

CRM-M-11535-2024 (O&M)
Date of decision: 05.04.2024

VIRENDER ALIAS BOBBY ...Petitioner

Versus

STATE OF HARYANA ...Respondent

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present : Mr. R.S. Randhawa, Advocate with
Ms. Tarranum Madan, Advocate
for the petitioner.

Mr. Kirpal Singh Thakur, AAG, Haryana.

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.304 dated 20.07.2023 registered under Sections 120-B, 313, 376(2)(n) and 506 IPC (Sections 120-B and 313 IPC were deleted later on) at Police Station Faridabad Central, Faridabad.
2. The petitioner is facing trial in the present case, which has been registered at the instance of the complainant on account of sexual abuse committed upon her by the petitioner. As per the allegations against the petitioner in the FIR, the prosecutrix was working as a helper in a salon, where she met the petitioner. In June 2021, the petitioner called the prosecutrix in a massage parlor and forced upon her against her wishes and made physical relationship against her will. In the year 2022, the petitioner opened his own spa in Sector 22, HUDA market and the prosecutrix started working there. The petitioner again forced

himself upon the prosecutrix and threatened the prosecutrix that he would show her obscene videos to her family members and also threatened to kill her.

3. Custody certificate 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 for the last 08 months and 03 days. He submits that investigation is complete and challan has also been presented before the trial Court. The petitioner is ready to face 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. On the other hand, learned State counsel on instructions from ASI Bhagwanti opposes the bail on the ground of gravity of allegations levelled against the petitioner, however he has informed that after the completion of the investigation, report under Section 173 Cr.P.C. has been presented before the trial Court. Even the custody certificate reflects that the petitioner is in custody for the last 08 months and 03 days.

6. I have considered the aforesaid contentions. The prosecutrix is major. Investigation is complete and the final report under Section 173 of the Code of Criminal Procedure has been presented before the trial Court. The allegations against the petitioner are matter of trial, which will take some time to conclude as 12 witnesses are yet to be recorded and there is no apprehension absconding of the petitioner.

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

05.04.2024
P.Bhatt

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