

**Sr. No.216****IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRA-S-1021-2024 (O&M)****Date of decision: 17th December 2024****AJAY @ MEET****.....Appellant****versus****STATE OF HARYANA AND ANOTHER****.....Respondents****CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN**

Present: Mr. Amit Choudhary, Advocate
for the appellant.

Mr. Amrik Singh Narwal, D.A.G., Haryana.

Mr. R.K. Choudhary, Advocate
for the complainant.

HARPREET KAUR JEEWAN, J. (ORAL)

1. The appellant is assailing the order dated 13.02.2024, passed by the Additional Sessions Judge, Palwal, whereby, the regular bail application of the appellant was dismissed.

2. The appellant is in custody in FIR No.141 dated 27.10.2022, under Sections 376, 506 read with Section 34 IPC, 1860 and Section 3(2)(V) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989, registered at Police Station Women, Palwal, District Palwal (Annexure A-1).

3. The FIR was registered against the appellant on the basis of a written complaint moved by the complainant on 25.10.2022, alleging that the appellant had been making physical relations with her for the last five months on the pretext of solemnizing marriage with her. The prosecutrix



another female namely Kavita. It is further an allegation that the appellant had told the prosecutrix that he is divorced, whereas, he is married.

4. The Additional Sessions Judge, Palwal, dismissed the bail application filed on behalf of the appellant by observing that the appellant was a married person and he concealed this fact from the prosecutrix. The trial Court also considered the fact that the victim had delivered a child and there is no one to take care of her as well as the child. It was further observed that the testimony of the victim is yet to be recorded during the trial. Considering the gravity of allegations levelled against the appellant, the bail application had been dismissed.

5. Learned counsel for the appellant contends that the deposition of the prosecutrix has already been recorded during the trial. The appellant is in custody since 28.12.2023. It is further contended that it was a consensual relationship *inter se* the appellant and the prosecutrix.

6. Mr. R.K. Choudhary, Advocate has put in appearance on behalf of the complainant and filed '*vakalatnama*', which is taken on record.

7. Learned State counsel as well as learned counsel for the complainant have opposed the present appeal on the basis of gravity of allegations levelled against the appellant.

7.1 Learned State counsel has filed custody certificate of the appellant dated 17.12.2024, reflecting his actual custody period as 11 months and 21 days, which is taken on record.

8. I have heard the learned counsel for the parties and perused the paper book.



9. It is not disputed that the appellant is already married. He has alleged consensual relationship with the prosecutrix, who was unmarried. The prosecutrix has even delivered a baby. However, the DNA report is still pending.

10. On the other hand, the prosecutrix has categorically stated in her statement recorded under Section 164 Cr.P.C. that the appellant used to tell her that he is a bachelor and after making a false promise of marriage, he forced her to make physical relations with him. However, she was left later on and the appellant started living with a third female namely Kavita. She has also stated that the appellant, along with Kavita, Bhagat-brother of the petitioner and their associates, formed a gang to kill her and she is unable to go out of her house due to the said fear. In her deposition made in the Court, the prosecutrix has given a similar statement, wherein, she has categorically stated that she gave birth to a baby boy on 30.12.2022.

11. The act and conduct of the appellant appears to be deceitful, in view of the fact that he was already married to another person when he allegedly violated the prosecutrix.

12. Keeping in view the act and conduct of the appellant, he is not entitled to bail as the offence alleged to have been committed by the appellant is serious in nature and the same is punishable for minimum 10 years. There is apprehension of absconding of the appellant, in case he is released on bail. As such, the order dated 13.02.2024, passed by the Additional Sessions Judge, Palwal by the trial Court does not suffer from any irregularity or illegality and the same is upheld.



13. Consequently, the present appeal dismissed being devoid of merits.

14. Pending miscellaneous applications, if any, shall stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

17th December 2024
simran

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>