



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

215

CRM-M-16517-2024 (O&M)
Date of decision: 04.09.2024

PARAMVIR ALIAS CHAMMI

...Petitioner

Versus

STATE OF HARYANA AND ANOTHER

...Respondent

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Aditya Sanghi, Advocate
for the petitioner.

Mr. Amrik Singh Narwal, DAG, Haryana.

Ms. Jyoti Chahal, Advocate for
Mr. Dhananjay Singh, Advocate
for respondent No.2.

HARPREET KAUR JEEWAN, J.

1. The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.1255 dated 26.11.2023 under Sections 328, 342, 376(2)(n) IPC and Section 66 (E) of the Information Technology Act, 2000 registered at Police Station Hisar Sadar, District Hisar.
2. Custody certificate dated 03.09.2024 has been filed on behalf of the respondent-State, which is taken on record.
3. As per the prosecution case, the victim came in contact with the



petitioner in the year 2021, as the petitioner had entrusted some wood work to the husband of the prosecutrix. Thereafter, the petitioner started visiting the house of the prosecutrix. The petitioner and the prosecutrix had exchanged their mobile numbers and friendship was developed between them. It is an allegation that the petitioner had forcibly committed rape upon the prosecutrix by giving her intoxicating substance. The petitioner is alleged to have threatened to the husband of the complainant with a revolver, when the petitioner was reprimanded by him.

4. Learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in this case and he is in custody since 07.12.2023. He further contends that the petitioner is a mature person of 47 years of age and is having a son. Even the prosecutrix is a married woman and is having children. He further contends that there was some financial dispute between the parties and the petitioner had presented a cheque for encashment, which was given by the husband of the prosecutrix. Subsequent to that, the present FIR was registered against the petitioner

5. The investigation is complete and final report under Section 173 Cr.P.C. has been presented before the trial Court. The petitioner is ready to face 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.

6. On the other hand, learned State counsel has opposed the bail petition on the ground of gravity of allegations against the petitioner. Learned State counsel has informed that the mobile phone produced by the complainant as well mobile phone recovered from the petitioner has been sent to CFSL, Panchkula and the report is still awaited. Learned State counsel has also informed that there are total 21 prosecution witnesses and none has been examined yet.



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7. I have heard the learned counsel for the parties and perused the relevant documents.
8. Investigation is complete and the final report under Section 173 of the Code of Criminal Procedure has been presented before the trial Court. The evaluation of evidence on record is a matter of trial. As per the custody certificate, there is no history of other case against the petitioner. The petitioner is in custody for 08 months and 25 days.
9. As per the medico Legal report (Annexure R-1), the prosecutrix is major and there is no external injury on the person of the prosecutrix. As per report of Regional Forensic Science Laboratory (Annexure R-3), no semen was detected in any of the exhibits. No recovery of revolver is effected from the petitioner, as per the status report. Allegations levelled by the prosecutrix and the counter-allegations levelled by the petitioner are matter of trial. None of the witness has been examined out of total 22 prosecution witnesses, as such, conclusion of trial is going to take time.
10. In view of the above, the petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing adequate bonds and surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.
11. However, it is made clear that nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.
12. Pending miscellaneous application (s), if any, shall also stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

04.09.2024
P.Bhatt

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