



**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

235

CRM-M-17644-2024 (O&M)

Date of decision: 20.05.2024

RAMAN KHANNA @ SWAMI SHIVRAM

...Petitioner

Versus

STATE OF HARYANA AND ANOTHER

...Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present : Dr. Malvika Singh, Advocate
for the petitioner.

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.352 dated 28.12.2023 (Annexure P-1) under Sections 328, 323, 376(2)(n), 506, 509 IPC registered at Police Station BPTP, District Faridabad.
2. Notice of motion.
3. On the asking of the Court, Mr. Kirpal Singh Thakur, AAG, Haryana accepts notice on behalf of the respondent-State.
4. Status report by way of an affidavit of Rajeev Kumar, HPS, Assistant Commissioner of Police, Central Faridabad along with copy of MLR of the prosecutrix (Annexure R-1), statement of prosecutrix under Section 164 Cr.P.C. (Annexure R-2), disclosure statement of the petitioner/accused (Annexure R-3), MLR of the petitioner/accused (Annexure R-4), supplementary statement of



petitioner/accused (Annexure R-5) and custody certificate of the petitioner (Annexure R-6) have been filed on behalf of the respondent-State, which are taken on record.

5. As per the custody certificate dated 01.05.2024 (Annexure R-6), the petitioner has undergone 04 months and 04 days of actual custody.

6. As per the prosecution case, the prosecutrix came in contact with the petitioner in connection with work. Initially, the prosecutrix met the petitioner in the year 2021 in a meeting at the residence of a third person and thereafter she had been meeting with the petitioner in connection with the work. On 26.06.2022, the prosecutrix left her house of Patel Nagar, Delhi and took rented accommodation at Faridabad, where the petitioner was on visiting terms. The petitioner had been making physical relations with the prosecutrix after administering her some intoxicant in tea or coffee. The petitioner had been making obscene videos and photographs of the prosecutrix with the help of his mobile phone. When the prosecutrix objected, she was being beaten up. The prosecutrix is married and even the petitioner threatened to kill her and her family members. Lastly, the petitioner had committed sexual assault upon the prosecutrix on 10.12.2023. On 26.12.2023, the prosecutrix managed to escape from the clutches of the petitioner and reached her house at Patel Nagar, Delhi and thereafter she got registered the present FIR.

7. Learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in this case and he is in custody since 29.12.2023 as under-trial. He further contends that the petitioner and the prosecutrix were in long consensual relationship, which is evident from the whatsapp messages (Annexure P-2) and photographs (Annexure P-3). There were



many financial transactions between the petitioner and prosecutrix, whereby the petitioner had transferred a huge amount of money from his mother's bank account to the bank account of the prosecutrix (Annexure P-4). There are total 16 prosecution witnesses and none of them has been examined so far. The trial is going to take time to conclude, as such, prayer for releasing the petitioner on bail has been made.

8. On the other hand, learned State counsel on instructions from concerned Investigating Officer has opposed the bail petition on the ground of the gravity of allegations against the petitioner. He has informed that statement of the prosecutrix is yet to be recorded in the trial. As per Medico Legal Examination Report of the victim (Annexure R-1), the doctor has opined that "in my opinion the possibility of sexual intercourse cannot be ruled out". On 28.12.2023, the statement of the prosecutrix was recorded under Section 164 Cr.P.C. (Annexure R-2), wherein she has levelled specific allegations against the petitioner for committing rape upon her. He has confirmed that the petitioner is in custody since 29.12.2023. The mobile phone recovered from the petitioner has been sent to DITAC, Gurugram for recovery of the data. As per CDR and CAF ID of the mobile numbers of the prosecutrix and the petitioner, calls *inter se* the petitioner and the prosecutrix have been found. He has further informed that investigation is complete; final report under Section 173 Cr.P.C. has been presented before the Area Magistrate on 29.02.2024 and charges have also been framed against the petitioner on 08.05.2024. There are total 16 prosecution witnesses and none of them has been examined so far. It is alleged in the status report that as per the Aadhar Card of the prosecutrix, her date of birth is 16.02.1977 and she was 46 years old at the time of the alleged incident.



9. I have considered the aforesaid contentions. Investigation is complete; the final report under Section 173 of the Code of Criminal Procedure has been presented before the trial Court and charges have also been framed. The petitioner is in custody since 29.12.2023. There are total 16 prosecution witnesses and none of them has been examined so far, as such, the trial will take some time to conclude. The prosecutrix is resident of Delhi and petitioner is resident of Faridabad, as such there is no apprehension of tampering with the prosecution evidence.
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 bail 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

20.05.2024
P.Bhatt

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