

VISHAL LALA

V/S

STATE OF HARYANA AND ANOTHER

...Petitioner

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Rajesh Lamba, Advocate
for the petitioner.

Mr. Vikas Bhardwaj, AAG Haryana.

HARPREET SINGH BRAR J. (Oral)

1. This is the first petition filed under Section 439 of Cr.P.C. seeking grant of regular bail to the petitioner in the case bearing FIR No. 0008 dated 02.01.2024 registered under Sections 328, 376(2)(n), 384, 506 of Indian Penal Code at Police Station Sector-40, District Gurugram.
2. Brief facts of the case of the prosecution are that on 02.01.2024, the complainant/prosecutrix presented a complaint in the concerned police station with the allegations that she met the petitioner in a Salon, in Sector-31. Gurugram. She went there as a client. Thereafter, the petitioner started calling her and asking her to do partnership in his Salon. They met 4-5 times regarding this matter. In November 2021, Vishal-petitioner herein took her to an Oyo hotel for a meeting and mixed intoxicants and made her to drink it, due to which, she became unconscious and when she regained consciousness, she found that her clothes were removed. When she refused, the petitioner threatened her to viral her objectionable videos/photographs. She was very scared and after that, petitioner continued to establish physical relations with her against her wishes. Whenever she refused, he used to threaten her with dire consequences. The petitioner was a property dealer and he kept taking money

from her again and again. When she did not have money, he started harassing her badly and from the year 2021, he had taken about Rs.27 lakhs and a gold bar from her and forced her to work in his Salon and just to show in the documents, he made her to sign a Partnership Deed, whereas till date, she has not received any money from the Salon. On this complaint, a formal FIR was registered and after completion of investigation, the challan has been submitted before the concerned court.

3. Learned counsel for the petitioner *inter alia* contends that FIR(supra) has been registered on account of monetary dispute between the petitioner and the prosecutrix/complainant as they were doing business together and had started a Salon by executing a partnership deed. In the meantime, the petitioner and complainant effected a compromise on 29.02.2024 (Annexure P-2). Thereafter, on the basis of compromise, the petitioner has approached this Court by filing a petition under Section 482 of Cr.P.C. seeking quashing of the FIR(supra) on the basis of compromise. The order dated 21.03.2024 passed in CRM-M-14560-2024 is available on record as Annexure P-4. It is further contended that both the parties have acted upon the settlement and the wife of the petitioner has already paid substantial amount out of the settled amount to the complainant and the remaining amount of Rs. 25,00,000/- is agreed to be paid by the petitioner within one month after getting the bail.

4. Mr. Ankit Yadav, Advocate has put in appearance on behalf of respondent No. 2 and filed his power of attorney. Same is taken on record. Learned counsel for respondent No. 2 submits that he has no objection, if the petitioner is allowed the concession of regular bail as the dispute is purely

private in nature between two consenting majors, engaged in consensual relationship.

5. However, learned State counsel opposes the prayer for grant of regular bail to the petitioner on the ground that he is the main accused and there are specific allegations levelled by respondent No. 2 against the petitioner and even in her statement recorded under Section 164 of Cr.P.C., she has reiterated her allegations against the petitioner.

6. Having heard the learned counsel for the parties and after perusing the record, it transpires that petitioner has been in custody since 05.01.2024 and investigating agency has already concluded the investigation and filed the final report under Section 173 of Cr.P.C. before the Court concerned. Trial of the case is likely to long time to conclude. So further incarceration of the petitioner without there being the prospect of the conclusion of the trial in the near future, would be violative of Article 21 of the Constitution of India. Culpability, if any, would be determined at the time of the trial.

7. Keeping in view the compromise effected between the parties, the present petition is allowed and the petitioner-Vishal Lala is ordered to be released on regular bail, subject to his furnishing bail bonds/surety bonds to the satisfaction of CJM/Duty Magistrate concerned.

8. Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court.

(HARPREET SINGH BRAR)
JUDGE

22.04.2024
Ajay Goswami

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No