

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

219

CRM-M-19110 of 2024

DATE OF DECISION :- 25.04.2024

Shubham

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Vikas Kumar, Advocate for the petitioner.

Ms. Priyanka Sadar, AAG, Haryana.

SUMEET GOEL, J. (Oral)

1. Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.405 dated 18.08.2023, registered for the offences punishable under Sections 376(2)(n) and 406 of IPC at Police Station Saran, Faridabad, District Faridabad.
2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

“To, The Incharge, Police Post, Parvatiya Colony, Faridabad. Sir, It is submitted that I, the applicant Ranjeet Kaur wife of Late Shekhar Singh, am a resident of Sarurpur Chowk, Faridabad. Sir, I am running my hotel in the name of National Oyo at Sarurpur Chowk. In the year 2014 I got into a relationship with Shubham Arora mobile number - 9983572806, who took me into confidence and kept extorting money from me on the pretext of marrying me and kept exploiting me sexually. He has already extorted Rs 13 lakh from me which transactions had been done online by me and after that he started demanding more money from me, I became suspicious of him and when I personally enquired about him, I came to know that he was married and he was cheating on me. When I talked to him about this and asked him the reason for cheating on me, he started saying that I have sexually exploited so

many women and have extorted money from them and promised to marry them, if I could marry all those women, I will be finished. It is my profession to extort money from women by misleading them and exploit them sexually. Said accused has completely ruined me. Therefore, I request you to register a case against the said accused and take appropriate action.”

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 22.11.2023. Learned counsel has further argued that the petitioner and the victim/complainant were in a consensual relationship since the year 2014 which subsequently broke off due to supervening circumstances & the FIR in question is the result of such breaking off of such relationship. In this view of the matter, learned counsel has prayed for grant of regular bail.

4. Learned State counsel has opposed the present petition arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificate dated 24.04.2024 in Court, which is taken on record.

5. I have heard counsel for the parties and have gone through the available records of the case.

6. The petitioner was arrested on 22.11.2023 whereinafter investigation was carried out and challan stands presented on 20.02.2024. Total 14 prosecution witnesses have been cited and culmination of the trial will take its own time. The rival contention of learned counsel for the parties; as to whether there was consensual relationship between the petitioner and the victim/complainant as also whether the FIR in question is the result of such relationship breaking up; shall be gone into during the course of trial. This Court does not deem it appropriate to delve deep into

these rival contentions, at this stage, lest it may prejudice the trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence. As per custody certificate dated 24.04.2024 filed by learned State counsel, the petitioner has already suffered incarceration for than 5 months & is not shown to be involved in any other case.

Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.

7. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cellphone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaq Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.
9. Ordered accordingly.
10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.
11. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

25.04.2024
P.Singh

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No