

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M No.18852 of 2024
Date of Decision: 26.04.2024

Tarun Sharma ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Raman Mohinder Sharma, Advocate,
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana,
for the respondent-State.

Mr. Diwan S.Adlakha, Advocate,
for the complainant.

MANISHA BATRA, J.(Oral)

1. The present petition has been filed under Section 439 of Cr.P.C. seeking regular bail in FIR mentioned below:-

FIR No.	Police Station	Sections
0267	Sector-17, HUDA, Jagadhri Yamuna Nagar, District Yamuna Nagar	120-B, 354, 406, 420, 467, 468, 471 and 506 of IPC

2. Brief facts of the case relevant for the purpose of disposal of the present petition are that the aforementioned FIR was registered on 09.09.2021 on the basis of written complaint submitted by the complainant “S” (name withheld) alleging therein that she was married with “A” (name withheld) in the year 2011. In the year 2017, she became acquainted with the petitioner who was also a native of her parental village and was a photographer by profession. They used to talk with each other for the purpose of photography etc. She further alleged that the

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petitioner had assured that he could arrange for securing a Government job for her and introduced her to one Subhash resident of Noida. The petitioner thereafter even sent an admit card/roll number on her Whatsapp in the year 2018 by representing that this admit card was for the purpose of taking examination for admission to the post of Income Tax Officer. She had taken that examination online. In the year 2019, she even received an appointment letter and then a training letter. Then she received an E-mail for giving interview for 28.06.2021 and she along with her brother had gone for her interview to RK Puram Delhi wherein the petitioner had taken them to some office and she was got interviewed by one person namely, Sunil Kumar Rawat. Some days thereafter, the petitioner told her to make arrangement for a sum of Rs.8 lacs, if she wanted to have a Government job. The complainant expressed inability to make arrangement for that much amount of money and at this, the petitioner told her to meet her at her parental village. On 05.07.2021, she went to her parental village. The petitioner took her to Alwar in some hotel wherein he took her photographs and pressurized her to have physical relations with her. However, she resisted and came out of the hotel room. Two days thereafter, the petitioner called her to leave her husband and otherwise to defame her and to kill her husband. On 28.07.2021, he even made a call to her husband and extended threats to kill him. She alleged that the petitioner had already taken an amount of Rs.5 lacs from her on the pretext of providing job for her and had cheated her and had also committed offences of forgery and criminal misappropriation of her money. Therefore, she prayed for taking action against the petitioner. After registration of aforementioned FIR, investigation proceedings were initiated.

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The petitioner was arrested on 31.01.2024. Investigation against him has completed and challan has been presented in the Court. The co-accused are yet to be arrested. He moved an application for grant of regular bail before the Court of learned Additional Sessions Judge, Yamuna Nagar but the same had been dismissed vide order dated 14.03.2024

3. The present petition has been filed by the petitioner on the grounds and it is argued by his counsel that he has been falsely implicated in this case. The FIR of this case was registered on 09.09.2021 but the investigation started only on 15.05.2023. He is in custody since 31.01.2024. Infact, it was a case of consensual relationship between the petitioner and the complainant since the year 2017. The photographs and Whatsapp chat taken place between them showed their relationship since the year 2017. It is submitted that the husband of the complainant had come to know about their relationship and falsely implicated him by lodging an FIR bearing No.225 of 04.08.2021 under Section 506 of IPC at Police Station Sector-17, HUDA, Jagadhri as against him and thereafter, in connivance with the complainant, the FIR of this case was lodged against him on totally false allegations. The allegations with regard to his having taken an amount of Rs.5 lacs from the prosecutrix and exerting pressure upon her to have physical relations with him were totally false. No specific date, month and year, when such amount of money had been taken by the petitioner had been mentioned either in the FIR or in the statement of the complainant as recorded under Section 164 of Cr.P.C. He had never assured her appointment in some Government job and a false story had been concocted in this regard. The ingredients for commission of offences punishable under all the sections for which he had

been booked and challaned had not been made out against him at all. The trial is likely to take time. His custodial interrogation is not required. Neither any recovery has to be effected from him. With these broad submissions, it is argued that the petition deserves to be allowed.

4. Vakalatnama on behalf of the complainant has been filed and the same is taken on record.

5. Per contra, learned State counsel assisted by learned counsel for the complainant have argued that the allegations against the petitioner are quiet serious in nature. Previously, he had criminally intimated the husband of the complainant. He had also cheated the complainant by inducing her to part with a sum of Rs.5 lacs on the pretext of securing a Government job for her by forging documents in the shape of interview letter, admit card and appointment letter etc. in connivance with the co-accused and had also tried to outrage her modesty. He had also started blackmailing and giving threatening calls to the husband of the complainant. There were chances of his absconding if extended benefit of bail. He was involved in one more case. With these broad submissions, it is argued that the petition does not deserve to be allowed.

6. I have heard learned counsel for the parties and have gone through the record.

7. As per the allegations, the complainant came into the contact with the petitioner in the year 2017 through facebook and on the pretext of providing a Government job for her, the petitioner in connivance with the co-accused had sent forged admit cards, appointment letters, training letters and interview letters etc. to the complainant and even got her interview

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conducted for the purpose of alleged appointment to the post of Income Tax Officer. As per the allegations, he had also taken an amount of Rs.5 lacs from her for the purpose of providing Government employment from her. The petitioner is in custody since 31.01.2024. Investigation has since been completed. Challan has been presented in the Court. Trial is likely to take time. The petitioner has placed on record certain photographs showing himself and the complainant to be in intimate positions and also some Whatsapp Chat which is also showing the intimate relationship between the petitioner and the complainant since the year 2017. As per the allegations, the occurrence of trying to outrage the modesty of the victim had taken place on 05.07.2021 or immediately thereafter, but FIR was lodged after a gap of more than two months. It also appears to be a case of consensual relationship between the petitioner and the complainant having come to the knowledge of her husband and that is why, FIR under Section 506 of IPC was also lodged by the husband of the complainant as against the petitioner prior to lodging of FIR of this case. Therefore, it is a question of debate as to whether the petitioner had tried to outrage the modesty of the victim?

8. So far as the allegation of cheating the victim, committing any offence of forgery or using forged documents or inducing the victim to part with a sum of Rs.5 lacs and misappropriation be decided by learned trial Court after thorough assessment of evidence to be produced before trial Court. The custodial interrogation of the petitioner is no more required. The subject offences are triable by Magistrate. Keeping in view the discussion as made above but without meaning to make any comments on the merits of the case, I am of the opinion that the petition deserves to be allowed.

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Accordingly, the same is allowed and the petitioner is ordered to be admitted to bail subject to his furnishing personal as well as surety bonds to the satisfaction of learned trial Court.

26.04.2024
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(MANISHA BATRA)
JUDGE

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