



204 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-22203-2024 (O&M)
Date of decision: 30.05.2024

VINEET

...PETITIONER

V/S

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Rajat Verma, 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. 97 dated 08.08.2023 registered under Sections 376(2)(n), 328, 406 and 506 of Indian Penal Code at Police Station Women Central, District Faridabad, Haryana.
2. In brief, the prosecution case is that the complainant was a student of 12th standard and even worked in a Private Company since the year 2019. She met Vineet (petitioner herein) in the year 2022 and became friends. They both exchanged their contact numbers and started talking to each other. He expressed his affection for her. Then, on 08.05.2022 while she was on her way to the office, petitioner came on his motorcycle and offered to drop her to office. She was not well and instead of taking her to her house, he took her to a OYO Hotel in Faridabad and asked to rest. He offered her water to drink, on drinking which, she became unconscious and he by taking undue advantage of her situation, petitioner raped her. When she rebuked him, he claimed to like her and also showed her nude photographs on his mobile phone while extending threats to make them viral on social media, in case she disclose



anything to anybody. He even borrowed a sum of Rs.50,000/- from her and had been refusing to repay the same, off-lately.

3. Learned counsel for the petitioner *inter alia* contends that FIR(supra) was registered after a delay of 15 months from the alleged incident and the delay in the registration of the FIR creates serious doubt on the case set up by the prosecution and the prosecutrix is a mature lady and relationship between her and the petitioner was purely consensual in nature and petitioner is behind the bars since 26.08.2023 and the prosecutrix has already been examined by the learned trial Court.

4. Per contra, learned State counsel opposes the prayer for grant of regular bail to the petitioner on the ground that serious allegations have been levelled against the petitioner and he is the main accused and there is sufficient material available on record to indicate his complicity.

5. Having heard the learned counsel for the parties and after perusing the record, it transpires that petitioner is behind the bars since 26.08.2023 and material witnesses have already been examined. Trial of the case is likely to take long time to conclude as out of total 17 prosecution witnesses, only 2 have been examined so far. No useful purpose would be served by keeping the petitioner behind the bars and 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.

6. A two Judge Bench of Hon’ble Supreme Court in ‘Satender Kumar Antil v. CBI’ (2022) 10 SCC 51, with respect to prevailing conditions of undertrial prisoner in India has observed:

“6. Jails in India are flooded with undertrial prisoners. The statistics placed before us would indicate that more than 2/3rd of the inmates of the prisons constitute undertrial prisoners. Of this category of prisoners, majority may not even be required to be arrested despite registration of a cognizable offence, being charged with offences punishable for seven years or less. They are not only poor and illiterate but also would include women. Thus, there is a culture of offence being inherited by many of them. As observed by this Court, it certainly exhibits the mindset, a vestige of colonial India, on the part of the investigating agency, notwithstanding the fact arrest is a draconian measure resulting in curtailment of liberty, and thus to be used sparingly. In a demo cracy, there can never be an impression that it is a police State as both are conceptually opposite to each other.”

7. Accordingly, the present petition is allowed. The petitioner-Vineet 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.

May 30, 2024
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

(i)	Whether speaking/reasoned	Yes/No
(ii)	Whether reportable	Yes/No