



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

212

CRM-M-23724-2024
Date of decision: 16.05.2024

Sandeep

...Petitioner

V/s

State of Union Territory, Chandigarh and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Narender Kumar Vashist, Advocate,
for the petitioner.

Mr. Manish Bansal, PP U.T., Chandigarh

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.64 dated 12.04.2024 registered for the offences punishable under Sections 376, 506 of IPC at Police Station Central Sector 17, Chandigarh.
2. The case set up in the FIR in question (as set out by the petitioner in the present petition) is as follows:-

“To, The SHO, Police Station Shalimar Bagh, Delhi-110088. Subject: Complaint against Sandeep son of Raj Kumar, r / o Indri Karnal, Haryana (9015658099). Sir, It is submitted that I, Neelam Sagar d/o Shyam Sunder, am resident of House-1 Ambedkar Camp Haiderpur



Delhi aged 33 years. I was pursuing my PHD in 2018 from Shimla University where I started talking to Sandeep through Facebook whom I already knew, he was my classmate in MA Hindi. We used to talk on phone from 2018 to 2020. We both fell in love and he asked me for marriage and wrote that I want to marry you and I also said yes to him. Sandeep was on the post of D-group employee in Karnal, Haryana. He came to meet me for the first time on 16th August, 2020 in Delhi. He stayed at his maternal uncle's house in Inderlok and called me also, where we met for the first time, he tried to have physical relations with me but I refused, then there was a conversation about our relationship, in which he wrote to me and assured me that we will marry and came to Chandigarh to have physical relations with me. During that time, I was pursuing Ph.D. from Panjab University. He came in the month of January, 2021 and he called me in Bala Ji Hotel, Sector-22, Chandigarh where we had developed physical relations for the first time. Due to my ill health, I came to my home in Delhi in March, 2020. Due to corona time in 2020, we used to talk only on phone. In 2021, we had physical relations several times which took place in Panipat. There is a hotel near Panipat bus station where we had developed relations many times. Till 2022, everything went well between us, then I started doubting that he was misusing me. In 2023, I started pressurising Sandeep for marriage, who started avoiding me and ignoring my words. I sued to tell him many times to talk at your home but he did not take me seriously. On 1st Nov., 2023, Sandeep told me



that he cannot perform marriage with me because he got married two months ago. On hearing this, I became shocked. Then I tried to know the truth from here and there then I talked to Sandeep's sister Inani. From whom I came to know that his roka (relation) has already taken place in March, 2023. When I asked Sandeep to clear all these things, then he threatened me to do whatever I want, I will not marry you and if you complain against me, I will kill you and your family, due to which I am still under lot of mental stress. Strict legal action be taken against Sandeep and justice be imparted. Sd/- Neelam Sagar d / o Shyam Sunder r/o House No.1, Ambedkar Camp Haiderpur, Delhi-110088 dated 24.03.2024, M.No.9540737832, 931173782, Sd/- RTI Imroj.”

3. Learned counsel for the petitioner has submitted that the petitioner is in custody since 16.04.2024. Learned counsel for the petitioner has further submitted that the petitioner as also the victim were earlier in a consensual relationship and there was a break-up between them on account of supervening circumstances. Learned counsel for the petitioner has further relied upon an affidavit dated 23.04.2024 (copy whereof has been appended as Annexure P-2 with the present petition) as also a compromise dated 24.03.2024 (copy whereof has been appended as Annexure P-3 with the present petition) to contend that the matter has now been settled between the petitioner and the victim. Thus, regular bail is prayed for.



4. Learned counsel for the State has opposed the present petition by arguing that the allegations raised are serious in nature and, thus, the petitioner does not deserve the concession of regular bail.

5. Mr. Bhupinder Kumar Gupta, Advocate appearing for the complainant has filed his vakalatnama in Court today. The same be kept on record. Learned counsel appearing for respondent No.2 has ratified the factum of above-said compromise as also execution of affidavit by respondent No.2-complainant.

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

7. The petitioner was arrested on 16.04.2024 and is in continuous custody since then. Learned Public Prosecutor, Chandigarh, on instructions from H.C. Joginder Singh, submits that the investigation in the instant case is complete and requisite challan (report under Section 173 of Cr.P.C.) would be filed shortly. The rival contention of the learned counsel for the parties; as to whether there was earlier consensual relationship between the petitioner and the victim which broke due to supervening circumstances, the veracity and weightage required to be attached to the affidavit dated 23.04.2024 (copy whereof has been appended as Annexure P-2 with the present petition) as also the veracity/weightage of the compromise dated 23.04.2024 (copy whereof has been appended as Annexure P-3 with the present petition); shall be gone into during the course of trial if challan is ultimately presented. 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 the custody certificate dated 16.05.2024 filed by the learned State counsel, the petitioner has suffered incarceration for about one month & 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 present case.

8. In view of totality of factual matrix of the present case, the instant petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the learned 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.

9. 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.

10. Ordered accordingly.

11. Nothing said hereinabove shall be construed as an expression
of opinion on the merits of the case.

12. Since the main case has been decided, pending miscellaneous
application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

May 16, 2024
poonam

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