

CRM-M-26050 of 2024

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

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CRM-M-26050 of 2024

DATE OF DECISION :- 09.08.2024

Ravi @ Ravi Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**Present:-** Mr. Mohit, 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.38 dated 07.07.2023, registered for the offences punishable under Sections 363,366,354A(1) (i),506,34 of IPC, Sections 9 and 10 of The Child Marriage Prohibition Act, Section 8 of POCSO Act, Section 67(A) of The Information and Technology Act, Sections 4 & 16 of POCSO Act (added later on), Sections 120-B,376(1),419 of the IPC (added later on) at Women Police Station, Fatehabad, District Fatehabad, Haryana.

2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

“To, Hon'ble Women Police Station Fatehabad. Respected Sir, it is requested that I'M S' s/o Sh H Lam resident of village 'D'. I have six daughters. My second number daughter 'S' (real name withheld) who has recently passed 102. Whose date of birth is 06.09.2006. My daughter 'S' told me that on 18.06.2023 she went to attend the seminar of OM Global University at



Arorvansh Dharamshala. After completion of program at about 1:00 PM when she was coming back to home, then call of Ravi alias Blackia son of Mahender Singh resident of Dhangar came and he enticed away her alongwith himself at Royal Guest House near Bus Stand Fatehabad and there Dinesh son of maternal uncle of Ravi and his friend Bansil Lal who are employees of the hotel, met at Royal Hotel. Ravi got my daughter in his talks got her clothes changed and captured the photos after putting garland in the neck and said that we are now married. Thereafter Dinesh and Bansil Lal went in separate room and Ravi started teasing my daughter then my daughter asked him not to do that. He gave threat to my daughter that you and your family will be killed and deliberately did teasing with me. When she started weeping then he became frightened and he sent her home by saying that don't tell anybody about this. After reaching at home, my daughter did not tell anything about this and she started remaining slightly frightened. When upon seeing photo on Instagram (social media), I asked from my daughter then she disclosed all thing to us Ravi is making those photos viral on Instagram which he captured with my daughter by deliberately getting the clothes changed and by putting garland to my daughter. Due to which I and my family is getting defamed. I have humble request from you that legal action may kindly be taken against Ravi, Dinesh and Bansil Lal. Justice should be given to me and my daughter. Applicant sd MS s/o Shri H L resident of village 'D' Mobile no. 90689-85112."

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 08.07.2023. Learned counsel has further argued that there was a consensual friendship between the petitioner and the victim which was not to the liking of the family of the victim and thus the petitioner has been falsely implicated into the FIR in question. Learned counsel for the petitioner has further argued that a perusal of the photographs (copies



whereof have been appended as Annexure P-8 with the instant petition) indicate that friendship/relationship between the petitioner and the victim was consensual in nature. Learned counsel for the petitioner has further argued that testimony of the victim as also her aunt already stand recorded and thus there is no cause with the prosecution to infer that there is likelihood of the petitioner interfering with the prosecution evidence. 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 07.08.2024 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 08.07.2023 whereinafter investigation was carried out and challan stands presented on 05.09.2023. Total 25 prosecution witnesses have been cited and only 04 of such witnesses have been examined till date. It is not in dispute that victim as also aunt of the victim have been examined as PW1 and PW2 respectively. The rival contention of learned counsel for the parties; regarding the veracity/weightage required to be attached to the photographs (copies whereof have been appended as Annexure P-8 with the instant petition); 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

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justice or interfering with the prosecution evidence. As per custody certificate dated 07.08.2024 filed by learned State counsel, the petitioner has already suffered incarceration for about 01 year and 29 days. The petitioner is shown to be involved in two other cases; one pertains to NDPS Act but the petitioner is stated to be on bail in that case and the other pertains to Section 138 of Negotiable Instruments Act. The factum of petitioner being involved in two other cases (out of which is under the NDPS Act and other one is of cheque bounce case) shall not be a factor by itself to decline the concession of regular bail to the petitioner in the instant 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 cell-phone 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

09.08.2024
P.Singh

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