

2024:PHHC:081262



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

277

CRM-M-27779-2024 (O&M)
Date of decision : 02.07.2024

Parveen ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Surinder Singh Duhan, Advocate
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J. (Oral)

1. The instant one is the second petition for grant of regular bail as filed by the petitioner under Section 439 of Code of Criminal Procedure seeking regular bail in case arising out of FIR No. 37 dated 13.04.2023, registered under Sections 354D, 354B, 323, 452, 376, 511, 386, 354A(1)(i), 506, 341, 385, 354C, 509 of the IPC and Sections 66, 67A of the Information Technology Act (Section 201 of IPC added later on) at Women Police Station, Jind, District Jind. The first petition, bearing **CRM-M-49457-2023**, was dismissed by this Court on 15.01.2024 (Annexure P-1).

2. The petitioner is facing trial for commission of aforementioned offences on the allegations that he had made attempts to commit rape upon the prosecutrix, who was his cousin sister during the years 2015-16, had got extracted data from her mobile phone, which included her personal

photographs and had blackmailed her on the pretext of making those photographs/data viral and had been extracting money from her. The instant petition has been filed by the petitioner and it is argued by his counsel that there are no allegations that the petitioner committed rape upon the prosecutrix at any point of time. *Challan* has been presented in this case. Charges have been framed on 12.03.2024. His custodial interrogation is no more required. Trial is likely to take time. The prosecutrix and other material witness i.e. her mother are avoiding appearance before the trial Court. It is argued by learned counsel for the petitioner that keeping in view the incarceration of the petitioner as well as the changed circumstances that the investigation has completed and that material witnesses are not coming forward, the petitioner deserves to be extended benefit of bail.

3. *Per contra*, it is argued by learned State counsel that there are serious allegations against the petitioner. The trial has commenced and there is nothing on record to suggest that there would be any undue delay in conclusion of the same. The ground as taken by the petitioner does not amount to change in circumstances warranting exercise of powers under Section 439 of Cr.P.C. by this Court for grant of benefit of regular bail to the petitioner. It is further argued that there are chances of the petitioner's intimidating the victim, who is her near relative, or absconding, if extended benefit of bail. Therefore, it is argued that the petition is liable to be dismissed.

4. I have heard learned counsel for the parties and have also gone through the material placed on record.

5. The petitioner, who is cousin brother of the prosecutrix, is alleged to have sexually harassed her by making attempts to commit rape

upon her, blackmailed her by extorting money from her since the years 2015-2016 by taking her private data from her mobile phone and is also alleged to have extended threats to her even after her marriage. The petitioner has placed on record copies of two orders passed by the trial Court showing that the prosecutrix and her mother have not appeared before it so far. However, this cannot be stated to be a ground amounting to change in the circumstances of the case nor the period of his incarceration can be held to be a reason entitling him to grant of benefit of bail. Keeping in view the gravity of offences alleged to have been committed by the petitioner, the fact that the prosecutrix and other material witnesses of the case are yet to be examined and the surrounding facts and circumstances, no change in the circumstances can be stated to have been made out, at this stage. Therefore, I am of the considered opinion that the petitioner does not deserve to be given concession of regular bail at this stage. Hence, the petition stands dismissed.

6. It is made clear that the observations made hereinabove are only for the purpose of deciding the present petition and the same shall not be construed as an expression of opinion on the merits of the case.

02.07.2024
Waseem Ansari

(MANISHA BATRA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>