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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-29680-2024 (O&M)

Date of Decision: 27.08.2024

ANKIT ARORA

Vs.

.. Petitioner

STATE OF HARYANA AND ANR

..Respondents

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Amit Pruthi, Advocate for the petitioner.

Ms. Priyanka Sadar, AAG, Haryana.

Mr. Devender Arya, Advocate for

Mr. Shashikant Gupta, Advocate for respondent No.2.

...

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.499 dated 12.10.2022, registered for the offences punishable under Sections 376(2)(n)/406/506 of IPC, 1860 at Police Station Palam Vihar, Gurugram District, Haryana.

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

“To Mr. SHO Sahab Police Station Female NIT Faridabad It is requested that I am Rakhi Kharbanda daughter Subhash Kharbanda R/O- House No. 45, C-Block (Lovely Chaat Bhandar) Gali Faridabad resident and working in Unimarkt Research which is at Gurgaon Sector-18 Udyog Vihar. I came to know about Ankit Arora (alias Ankit Pruthi) on Instagram and we both then started talking on the phone. Once Ankit's phone was damaged, he asked me to get him a phone and I ordered a phone at the address given by him and it was an iPhone. When I was on my duty on 23 November 2021, I got a call from Ankit And said that I have come to Gurgaon and come to see me then I went to meet Ankit after my duty was

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over, Ankit took me to Trinity Corporate Suites Hotel, Sector-21 Gurgaon there he talked to me for a while, then Ankit forcibly made a relationship with me and when I told Ankit that you have done wrong with me, cheated me, then I got action taken against you, then Ankit said that I love you very much and will marry. After that Ankit kept giving me the promise of marriage and took me to Hotel Comfort Inn Jaipur and made physical relation with me there also. That Ankit took around Rs 9 lakh from me whose transactions are with me. Now Ankit refused to marry me and also refused to give my money and now Ankit is threatening to kill me and saying that neither I will marry nor will I give you money. Ankit forced me to have a physical relationship on the pretext of marriage the strictest legal action should be taken against Ankit and I should be given money from Ankit SD- Rakhi, Applicant - Rakhi Kharbanda daughter Subhash Kharbanda r/o M No. 45, C Block Faridabad 09953144586, 9582043021, 8287081023, Ankit Arora (Pruthi) 9928087475, 9310659105.”

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 26.04.2024. Learned counsel for the petitioner has submitted that there was consensual friendship with the victim which later on turned sour & hence the petitioner has been falsely implicated into the FIR in question. Learned counsel for the petitioner has relied upon whatsapp chat between the petitioner and the victim (copy whereof has been appended as Annexure P-9 with the present petition) to substantiate his argument that there was consensual friendship between the petitioner and the victim. Thus, regular bail is prayed for.

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.

5. Learned counsel for the complainant has vehemently opposed the grant of regular bail on the ground that the allegations made against the petitioner are serious in nature & hence he ought not to be granted the concession of regular bail.

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

7. The petitioner was arrested on 26.04.2024 whereinafter investigation was carried out & challan was presented on 09.05.2024. Total 18 prosecution witnesses have been cited and culmination of the trial, but of course, will take its own time. The rival contention of the learned counsel for the parties; as to whether there was consensual friendship between the petitioner and the victim which turned sour later on and hence the FIR in question has been registered & the veracity/weightage required to be attached to the whatsapp chat (copy whereof has been appended as Annexure P-9 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 justice or interfering with the prosecution evidence. As per the custody certificate dated 24.08.2024 filed by the learned State counsel, the petitioner has suffered incarceration for about 03 months and 28 days. Further, as per this custody certificate, the petitioner is shown to be involved in 4 cases pertaining to Negotiable Instruments Act. Still further, a perusal of paragraph 47 of the petition shows that the petitioner has been involved in 3 other FIRs but he is on bail in all other cases. The pendency of the abovesaid criminal complaints under Section 138 NI Act as also other IPC cases against the petitioner cannot be construed as a ground sufficient, by itself, to deny the petitioner the concession of regular bail in the instant case. Suffice to say further detention

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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 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 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

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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.

27.08.2024
Jasmine Kaur

(SUMEET GOEL)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No