

CRM-M-31188-2024 (O&M)

221 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

2024:PHHC:155670



CRM-M-31188-2024 (O&M)
DATE OF DECISION : 25.11.2024

BHURE ... PETITIONER

V/S

STATE OF HARYANA ... RESPONDENT

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Baljeet Beniwal, Advocate for the petitioner.

Mr. Amrik Singh Narwal, D.A.G., Haryana.

Mr. Kunal Dawar, Advocate for the complainant.

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HARPREET KAUR JEEWAN, J. (ORAL)

1. The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No. 575 dated 25.11.2023 registered under Sections 376(2)(n), 323, 346, 406, 506 IPC at Police Station Dabua, District Faridabad.

2. Custody certificate reflecting the custody of the petitioner as 11 months and 02 days has been taken on record.

3. Learned counsel for the petitioner contends that the prosecutrix went missing on 20.11.2023. There was a written settlement two days thereafter on 22.11.2023, Annexure P-1, as per which it was decided that the marriage of the petitioner would be solemnized with the prosecutrix.

However, the present FIR has been subsequently lodged with false

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averments on 25.11.2023 by lodging a missing complaint. It has been further contended that despite the fact that challan/final report has been presented, the statement of the prosecutrix has not been recorded and her bailable warrants have been issued and she is not turning up for giving a statement, whereas, the petitioner is in custody for a period of 11 months and 02 days.

4. Learned State counsel has opposed the bail application referring to the submissions made in the status report.

5. Learned counsel for the complainant has given an undertaking that prosecutrix shall appear on 18.12.2024 which is the next date fixed by the trial Court for prosecution evidence.

6. I have heard learned counsel for the parties and have also gone through the paper-book.

7. The prosecutrix is alleged to have been violated by the petitioner on false assurance of solemnizing marriage with her. During the course of investigation, it has been found that the petitioner is already married. The so-called settlement dated 22.11.2023, Annexure P-1 has no credibility since in the said settlement, it has been mentioned that the marriage of the petitioner would be solemnized with the prosecutrix. The said settlement has no legal value since the petitioner was already married. It has been further observed that as per the status report, after the arrest of the petitioner, on the basis of his disclosure statement, a platinum credit card of the prosecutrix was recovered from him. It is further disclosed by the State counsel that during the investigation, cash amount of Rs.90,000/-, jewellery and mobile phone of the victim was returned by the family of the accused.

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8. The statement of the prosecutrix was recorded under Section 164 Cr.P.C. and she has supported her version in the said statement.

9. In view of the connecting evidence against the petitioner and considering his marital status, no ground is made out for releasing the petitioner on regular bail at this stage since there is apprehension of tampering with the prosecution evidence.

10. Consequently, the present petition stands dismissed. However, the learned trial Court shall make an endeavour to record the statement of the prosecutrix on the next date of hearing.

25.11.2024

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**(HARPREET KAUR JEEWAN)
JUDGE**

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