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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-33915-2024 (O&M)

Date of Decision: 02.08.2024

JASPAL VERMA

.. Petitioner

Vs.

STATE OF HARYANA AND ANOTHER

..Respondents

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Yogesh Goel, Advocate,
Mr. Lakshay Goel, Advocate and
Mr. Mayank Kalra, Advocate for the petitioner.

Ms. Priyanka Sadar, AAG, Haryana.

Mr. Mohan Singh Rana, Advocate for respondent No.2.

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SUMEET GOEL, J. (Oral)

1. Present petition has been filed under Section 483 BNSS, 2023 for grant of regular bail to the petitioner in case bearing FIR No.179 dated 15.03.2024, registered for the offences punishable under Sections 313, 323, 376(2)(n), 406, 506 and 509 IPC (Challan filed under Sections 323, 376(2)(n), 406, 506, 509 IPC and Section 313 IPC deleted) at Police Station Sector-10, District Gurugram.

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

*“To SHO Sahib Police Station Sector 10-A, Gurugram.
Subject: Application for taking legal action and registration of case against (1) Jaspal Verma Mobile No 72899-27226, 79829-23930 S/o Parwara Ram, (2) Mother of Accused, (3) Parwara Ram, Father of Accused R/o 12 Quartar Colony, Street No 8 Hisar Tehsil and District Hisar for committing rape on the false pretext of solemnizing marriage and threatening to kill and to usurping Rs 3,00,000/- (Three Lac). The applicant submit as under: (1) That I Chandni Pandey D/o Sh Rama*

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Shanker Pandey am resident of House No 616/22, Shivaji Nagar, Street No 4, Gurugram Tehsil and District Gurugram Haryana and law abiding citizen. (2) That applicant is 8th-Pass-and residing at Gurugram for the last about 13-14 years and working in Shri Sai Marka Sector 37, Gurugram. (3) That in Year 2018, the aforesaid accused came to join in the said company for work and gradually became close to me and proposed for marriage under pretext that both are unmarried. We started talking on phone and when applicant talked about marriage, then accused told that he will solemnize marriage and developed physical relations forcibly under false promise of marriage. The accused started alleging that all her belongings are mine and all my belongings are yours. Therefore, accused continued this relationship while misleading and thereafter he started taking money from me. As and when he received money either online or cash, all details of same are with me. (4) That on 24.03.2021, accused himself, his mother, father and friend visited to our rented house and started talking regarding marriage of accused, for which mother, father and his friend agreed to solemnize marriage of accused with me and told that there is elder sister of accused and they will perform my marriage with accused after her marriage. (5) That applicant has given an amount of Rs. 45,000,- in cash in the hands of accused at the time of purchasing of Motor Cycle make Royal Enfield and same was got financed and installments of loan were deducted from account of applicant. The Motor Cycle is in possession of accused. (6) That accused frequently used to visit on my rented accommodation as per his wish and comimit rape on false promise. In the mean time, I became pregnant and said that it is not good to have a child before marriage, therefore accused got aborted the child on 29.01.2023 against my wish. (7) That on 07.02.2023, accused purchased a Mobile Phone make MI and entire amount of Rs. 31,800/- in cash was paid by applicant. (8) That on 10.02.2023, when applicant was suffering from high fever, then he visited my house and accused made a demand of more money on the pretext that marriage of his sister is to be solemnized on 14.02.2023 and when I refused to make payment, then accused first gave beatings and thereafter took amount of Rs. 13,000/- forcibly. (9) That on 26.02.2024, when applicant along with her parents and elder sister Shivani Pandey accompanied with Ram Bir, visited house of accused and started discussing about my marriage, then accused became furious, starting abusing and fighting and made them to leave the house and threatened us not to visit their house otherwise I along with family shall be killed. They told that nobody can cause harm to them and asked us to do whatever we want. They also threatened that they will come to Gurugram and we will be killed. It is therefore requested to arrest the accused persons after registration of case and justice be given to me. My life and property be protected. I shall be highly thankful to you. SD/- Chandni Pandey, D/o Sh.



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Ramashankar Pandey, R/o House No. 616/5, Shivaji Nagar, Street No. 4, Gurugram, Tehsil & District Gurugram, Haryana M: 97186-32384.”

3. Learned counsel for the petitioner has submitted that the petitioner is in custody since 16.03.2024. Learned counsel for the petitioner has further submitted, that a perusal of the FIR, would reflect that there was consensual relationship between the petitioner and the victim and they were planning to get married as well but the said relationship broke due to supervening circumstances and hence the petitioner has been implicated into the FIR in question. 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 vociferously 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.

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

7. The petitioner was arrested on 16.03.2024 whereinafter investigation was carried out & challan was presented on 08.05.2024. Total 16 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 relationship between the petitioner and the victim which broke later on due to supervening circumstances & as to whether the petitioner has been falsely implicated into the FIR in question on such account; shall be gone into during the

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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 31.07.2024 filed by the learned State counsel, the petitioner has suffered incarceration for about 04 months and 15 days & 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 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



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Station and shall not change his cell-phone number without prior permission of the trial Court/Illaqa 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.

02.08.2024
Jasmine Kaur

(SUMEET GOEL)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No