



CRA-S-2616-2024 (O&M)

227

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

**CRA-S-2616-2024 (O&M)
Date of Decision: 12.09.2024**

VIJAY KUMAR ALIAS SONU

.. Appellant

Vs.

STATE OF HARYANA AND ANR

..Respondents

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Rohit Mittal, Advocate for the appellant.

Mr. Ashok Kumar Sehrawat, DAG, Haryana.

Mr. Anil Kumar Sharma, Advocate for respondent No.2.

...

SUMEET GOEL, J. (Oral)

CRM-36807-2024

Application is allowed, as prayed for, subject to all just exceptions. Annexures 3 and 4 are taken on record.

CRA-S-2616-2024 (O&M)

1. Present appeal has been filed under Section 14-A of the Scheduled Caste & Scheduled Tribes (Prevention of Atrocities) Act, 1989 for grant of regular bail to the appellant in cse bearing FIR No.165 dated 06.04.2024, registered for the offences punishable under Sections 341, 376(2)(n), 506 and 204 of IPC and Section 3(1)(w) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Section 67-A of IT Act at Police Station City Narnaul.

2. As per the case set up in the FIR is as follows:-

“I, Madhubala age 23 years D/o Shri Sumer Singh is resident of Dhanota caste Harijan. Daily I used to go NACE Computer Centre Narnaul to attend the classes. There I met



CRA-S-2616-2024 (O&M)

with Deepak S/o Pawan resident of Joraci, caste Brahmin. He has taken my Mobile No.93064 01459 and he used to call me and harass and said that I want to talk with you. Then one day I was going for Coaching Centre and he has stopped to me at the middle of the way and has forcibly got me seated on his motorcycle and said he want to drink juice. Then we both have gone at Caffé at Park Gali. After going at café he has forcibly got removed my clothes and have physical relation forcibly without my consent and that when I have resisted about it then he said that I shall get killed to you and your family members, if you have told anyone about this incidence and shall viral your incident video of you. This incidence has happened about one and year ago in day time at 11 AM, month 1 December, 2022. Even after this incidence also this youngman used to harass me by calling from new numbers 9467446239, 6239453539, 9350338972 and 9306401459 and he continuously used to put pressure on me. He used to call me on telephone and used to say that if you have not come to meet me then will get picked you from home. After that because of fear I have gone to meet youngman Deepak at OYO Hotel, near Bus Stand, Narnaul and that youngman Deepak was found standing out side of hotel. Then we both have gone to hotel and he has physical relations with me forcibly without my consent. This is the incidence of October month 2023 date 27th and time about 11 AM. The necessary legal action be initiated against youngman Deepak. I have got recorded my statement by coming at Police Post Mahabir Narnaul in the presence of Legal Aid and Advocate Anupriya Yadav, written by myself and have understood and read over and it is correct. Attested L/ASI Rakesh PP M Chowk. Date 06.04.2024. Signatru of Madhubala. Madhubala age 23 years D/o Shri Sumer Singh resident of Dhanota Police Station Sadar Narnaul Mobile No.96713 94937. Date 06.04.24. Attested by Anupriya Advocate 06.04.23.”

3. Learned counsel for the appellant has argued that the appellant is in custody since 28.04.2024. Learned counsel for the appellant has submitted that the appellant is not named in the FIR as also in the statement made by the victim under Section 164 of Cr.P.C & the appellant has been nominated as an accused on the basis of supplementary statement made by the victim under Section 161 Cr.P.C. Learned counsel for the appellant has further submitted that there is a long list of witnesses i.e. 28 prosecution witnesses & hence the culmination of the trial will take its own time. Thus,

regular bail is prayed for.

**CRA-S-2616-2024 (O&M)**

4. Counsel for the State, on the other hand, contends that the impugned order has been passed considering the totality of the circumstances of the case. All the grounds raised by the appellant have been considered and dealt with in their proper perspective by the trial Court. Therefore, the appellant is not entitled to the concession as prayed for.

5. Learned counsel for complainant/respondent No.2 has vehemently opposed the grant of regular bail to the appellant by arguing that the allegations made against the appellant are serious in nature. Learned counsel for the complainant has submitted that there is grave threat perception to the victim and hence the appellant does not deserve to be released on regular bail.

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

7. The appellant was arrested on 28.04.2024 whereinafter investigation was carried out and challan stands presented on 23.07.2024. Total 28 prosecution witnesses have been cited and indubitably the conclusion of the trial will take its own time. The rival contention of the learned counsel for the parties; regarding the weightage required to be attached to the factum of the present appellant not being specifically named in the FIR as also not being named in the statement made by the victim under Section 164 of Cr.P.C.; 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 appellant absconding from the process of justice or interfering with the prosecution evidence. Though an argument has been raised by learned counsel for

**CRA-S-2616-2024 (O&M)**

complainant/respondent No.2 that the complainant is under threat but no tangible material has been brought forward to support this contention. As per custody certificate dated 30.08.2024 filed by learned State counsel, the appellant has suffered incarceration for more than 04 months. Suffice to say further detention of the appellant 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 appeal is allowed. Appellant is ordered to be released on regular bail on his furnishing bail/local surety bonds to the satisfaction of the concerned learned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned learned CJM/Duty Magistrate, the appellant shall remain bound by the following conditions:-

- (i) The appellant shall not mis-use the liberty granted.
- (ii) The appellant shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The appellant shall not absent himself on any date before the trial.
- (iv) The appellant shall not commit any offence while on bail.
- (v) The appellant shall deposit his passport, if any, with the trial Court.
- (vi) The appellant 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.



CRA-S-2616-2024 (O&M)

(vii) The appellant 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 appellant.

10. Ordered accordingly.

11. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

12.09.2024
Jasmine Kaur

(SUMEET GOEL)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No