

**Sr. No.234****IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M-38286-2024****Date of decision: 13th August 2024****MUKESH****.....Petitioner****versus****STATE OF HARYANA****.....Respondent****CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN**

Present: Ms. Pooja Jaglan, Advocate for
Mr. Navneet Singh, Advocate
for the petitioner.

Mr. Kirpal Singh Thakur, AAG, Haryana,
assisted by ASI Santosh.

HARPREET KAUR JEEWAN, J. (ORAL)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973, for grant of regular bail to the petitioner in case bearing FIR No.211 dated 06.04.2024, under Sections 354-D, 376, 506 IPC, 1860 (Sections 384, 506 IPC and Sections 67, 67-A, I.T. Act, 2000, added later on), registered at Police Station Krishna Gate, District Kuruksehtra (Annexure P-1)
2. The petitioner is alleged to have committed rape upon the prosecutrix and initially they met through Instagram. The prosecutrix was having a matrimonial dispute with her husband. It is also an allegation against the petitioner that he made videos of the prosecutrix and took her photographs, on the basis of which, he started blackmailing her and demanding money from her. He extracted a sum of Rs.47,000/- from the prosecutrix. The petitioner is also alleged to have taken gold jewellery of the prosecutrix.
3. Learned counsel for the petitioner *inter alia* contends that the petitioner is in judicial custody since 06.04.2024. The statement of the prosecutrix has already been



recorded. The prosecutrix is 27 years of age and it was a consensual relationship between the petitioner and the prosecutrix.

4. Learned State counsel has opposed the present petition on the ground of gravity of allegations levelled against the petitioner. Custody certificate of the petitioner dated 11.08.2024 has been filed reflecting his period of custody as 04 months and 04 days, which is taken on record.

5. Learned State counsel confirms that out of total 18 prosecution witnesses, statement of 07 witnesses, including the prosecutrix, has been recorded. The statement of the prosecutrix is a part of the paper book (Annexure P-2).

6. I have considered the aforesaid contentions and perused the paper book.

7. The Investigating Officer is present in the Court and she has informed that none of the videos/photographs have been uploaded on social media. As per the statement of the prosecutrix (Annexure P-2), she is major.

8. Investigation is complete. Final report/challan under Section 173 Cr.P.C. has been presented and charges have been framed. Statements of material witnesses have been recorded. Conclusion of trial is likely to take some time. No useful purpose would be served by keeping the petitioner in custody during trial, as such, without expressing anything on the merits of the case and keeping in view the above facts, the present petition is allowed.

9. The petitioner is ordered to be released on regular bail, subject to his furnishing adequate bail bonds and surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

10. Pending miscellaneous application(s), if any, shall stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

13th August 2024
simran

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