

**211+113      IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

**CRM-50426-2023 in/and  
CRM-M-43112-2023 (O&M)  
Date of decision: 08.01.2024**

**RAHUL BANSAL ALIAS SANJAY**

.....Petitioner

**versus**

STATE OF UT CHANDIGARH

.....Respondent

**CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN**

Present: Mr. Sudesh Kumar Khurcha, Advocate  
for the petitioner.

Mr. Ankur Bali, Addl. P.P., U.T., Chandigarh.

**HARPREET KAUR JEEWAN, J. (ORAL)**

**CRM-50426-2023**

1. The present application has been filed by the petitioner under Section 482 for amendment of the petition whereby, the petitioner wants to add offence under Section 328 IPC in the petition.

2. In view of the averments made in the application, the same is allowed.

Amended petition is taken on record, subject to all just exceptions.

**CRM-M-43112-2023**

1. Prayer in the present petition filed by the petitioner has been filed under Section 439 Cr.P.C. seeking regular bail in case FIR No.46 dated 23.04.2023, under Sections 376, 342, 323 and 328 IPC, registered at Police Station Sector 34, Chandigarh.

2. Learned counsel for the petitioner submitted that statement of the prosecutrix has already been recorded as PW-5. In her cross-examination, the prosecutrix has stated that she had no quarrel with the accused and she only demanded her money from the accused but he did not pay a single penny to her.

The petitioner is in custody for the last 3 months and 15 days and he is ready to face trial.

3. On the other hand, learned State counsel, on instructions from ASI Jasbir Singh, submitted that challan in the present case has already been presented. All the material witnesses, including the prosecutrix, have also been examined. The learned State counsel has opposed the bail application on the ground that the petitioner would interfere in the prosecution evidence in case he is released on bail.

4. I have considered the aforesaid contentions and perused the record.

5. The present case was registered at the instance of the prosecutrix with the allegations that she is a sex worker and a drug addict. Her husband had expired a year ago. On 18.04.2023, at about 5:00 PM, the prosecutrix went to Piccadilly Chowk, Sector 34, Chandigarh and she was strolling on the road and searching for customer. One person sitting in Chotta Hathii signalled her and she went towards him thinking that he is her customer. While going on the said vehicle towards Zirakpur Flyover, she settled the deal with the petitioner for Rs.4,000/-. The petitioner had sex with her in the presence of his wife and when the prosecutrix asked for money, he gave him beatings and pressed her neck with his handkerchief. The wife of the petitioner was also present there. The petitioner again had sex with her without her consent and gave her beatings. After 2 days, the petitioner dropped the prosecutrix near the forest of Mandir of Sector 44, Chandigarh. Thereafter, she reported the matter to the police.

6. Without commenting on the merits of the case, but keeping in view the fact that investigation is already complete; challan report is filed in Court; the trial is at the initial stage which will take some time to conclude; the testimony of the material witnesses including the prosecutrix has already been recorded; and at this

petitioner is ordered to be released on regular bail, subject to his furnishing bail bonds to the satisfaction of the trial Court.

7. All the pending miscellaneous applications, if any, shall stand disposed of.

(HARPREET KAUR JEEWAN)  
JUDGE

08.01.2024  
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|---------------------------|---|--------|
| Whether speaking/reasoned | : | Yes/No |
| Whether reportable        | : | Yes/No |