

CRM-M-42618-2024 (O&M)

225 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

2024:PHHC:155459



CRM-M-42618-2024 (O&M)
DATE OF DECISION : 25.11.2024

VIVEK POOTHIA @VICKY POOTHIA ... PETITIONER

V/S

STATE OF HARYANA ... RESPONDENT

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Vinod Ghai, Sr. Advocate with
Mr. Arnav Ghai, Advocate for the petitioner.

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

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HARPREET KAUR JEEWAN, J. (ORAL)

1. The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS) for grant of regular bail to the petitioner in case bearing FIR No. 160 dated 26.05.2024 registered under Sections 323, 506, 313, 376(2)(n) IPC at Police Station DLF Phase-III, Gurugram.
2. Status report by way of affidavit of Vikas Kaushik, HPS, Assistant Commissioner of Police, DLF, Gurugram and custody certificate reflecting the custody of the petitioner as 04 months and 29 days have been taken on record.
3. I have heard learned counsel for the parties and have also gone through the paper-book.
4. The case was registered on the basis of a complaint dated

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26.05.2024 moved by the prosecutrix with the allegations that petitioner has been blackmailing the prosecutrix and he has been threatening her on the basis of her indecent videos and photographs having with him. Petitioner is alleged to have forced the prosecutrix to have unnatural sex. There are also allegations against the petitioner that he has repeatedly committed rape upon the prosecutrix. As per the statement of the prosecutrix recorded under Section 164 Cr.P.C., prosecutrix came in contact with the petitioner in the year 2020. There was live-in-relationship *inter se* the petitioner and the prosecutrix. Even *roka* ceremony took place on 03.07.2022. The prosecutrix was found to be pregnant from the said relationship on 08.07.2022 and thereafter, the pregnancy was allegedly terminated.

5. It is the case of the petitioner that the termination pills were purchased by the prosecutrix herself, as per the receipt dated 09.07.2022 (Annexure P-4) and it was shipped at her address. It is further contended that petitioner was 18 years of age at the time of alleged occurrence, whereas the age of the prosecutrix is 30 years.

6. As per the custody certificate, the petitioner has undergone 04 months and 29 days of actual custody. The investigation of the case is complete; the challan has already been presented in the Court and charges have been framed on 06.08.2024. As per the status report, the petitioner refused for her medical examination on 26.05.2024 (Annexure R-2).

7. The conclusion of the trial is going to take time. Keeping in view the facts and circumstances of the case and the custody period of the petitioner and also considering the young age of the petitioner, the petitioner is ordered to be released on regular bail, subject to his furnishing adequate bonds and surety bonds to the satisfaction of the trial Court/Duty Magistrate

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concerned.

8. The petition is allowed.
9. However, it is made clear that nothing expressed hereinabove
would be construed to be an expression of opinion on merits of the case.

25.11.2024
Janki

(HARPREET KAUR JEEWAN)
JUDGE

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