

Sr. No.214

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-47670-2023
Date of decision: 24th January, 2024

TUSHANT VERMAPetitioner

versus

STATE OF HARYANARespondent

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. N.S. Sodhi, Advocate
for the petitioner.

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

HARPREET KAUR JEEWAN, J. (ORAL)

1. The instant petition has been filed by the petitioner under Section 439 of the Code of Criminal Procedure, 1973 seeking regular bail in case FIR No.49 dated 18.05.2023, under Sections 376(2)(n), 406, 506, 201 of IPC, registered at Women Police Station, Faridabad.
2. It is the case of the prosecutrix that the petitioner used to live in a rented accommodation adjoining to her room. They used to talk to each other but she refused to do friendship with the petitioner. On 22.12.2019, the petitioner came to the room of the prosecutrix and developed physical relationship with her on the false promise of marriage. Thereafter the petitioner continued making physical relationship with the prosecutrix and in September, 2022 he shifted to Noida. During this period he had been making promises that he would perform marriage with the prosecutrix. Even on 28.02.2013, he called the complainant-prosecutrix to come to Noida for doing shopping of marriage. The prosecutrix went to Noida along with a sum of Rs.40,000/-. The petitioner made physical relationship with the prosecutrix and snatched the said amount and threatened to kill her. Ultimately on 02.03.2023, the petitioner refused to talk to the prosecutrix.

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. The petitioner is in custody since 09.07.2023. The statement of the prosecutrix is surrounded with suspicious circumstances upon which, the present FIR has been registered. Learned counsel for the petitioner further contends that the prosecutrix operates with two Aadhaar Cards. In one of her Aadhar Card, her age is mentioned as 40 years and in her new Aadhar Card, her age is mentioned as 24 years.

4. On the other hand, learned State counsel opposes the bail on the ground that the allegations levelled against the petitioner are serious in nature. Learned State counsel contends that final report under Section 173 Cr.P.C. has been presented before the trial Court on 21.07.2023 and charges have been framed on 29.09.2023. Out of total 14 witnesses, none has been examined.

5. Keeping in view the fact that the prosecutrix is major and she has a long relationship with the petitioner on the pretext of marriage and also keeping in view the fact that investigation in complete; the final report under Section 173 of the Code of Criminal Procedure has been presented before the trial Court; the trial will take some time to conclude and there is no apprehension of absconding the petitioner during the trial, the present petition is allowed.

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

7. Nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.

(HARPREET KAUR JEEWAN)
JUDGE

24th January, 2024
sim

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