

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

214/104

CRM-M-48031-2023 (O&M)

Date of decision:10.01.2024

Sanjeev Kumar alias Bittu Fauzi

....Petitioner

V/s

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Ankur Lal, Advocate for
Mr. Bhisham Kumar Majoka, Advocate for the petitioner.
Ms. Priyanka Sadar, AAG Haryana.
Mr. Gurmeet Singh, Advocate for the complainant.

SUMEET GOEL, J.

1. Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.362 dated 27.06.2023, registered for the offences punishable under Sections 376(2)(n) IPC at Police Station Kotwali, Faridabad, District Faridabad.

2. The case set up in the FIR in question is as follows:-

"To The Incharge, Police Post Chakkarpur Gurugram. Sir, I, Monika d/o Harish Chander, resident of Sikandrabad, District Bulandshahar (UP), at present residing at Chakkarpur. On 18.01.2023 Sanjiv @ Bittu S/o Mannu, who is resident of Faridabad had met me in club and became a friend. He took me to a hotel/flat of his friend in NIT Faridabad on 18.01.2023 on the pretext of marriage, to meet me with his family. He made physical relation with me forcibly there on the pretext of marriage and even after that he continued kept having relations with me. Now he has blocked her mobile number. Action be taken against him. I have myself scribed this application after counseling through phone with Smt. Suman Nagar. Action be taken. Sd/- Monika, dated 22.06.2023."

3. Learned counsel for the petitioner contends that the petitioner is in custody since 29.06.2023 and the prosecutrix has already been examined as PW-1 on 18.11.2023; the petitioner and the prosecutrix intended to marry each other & allegations against the petitioner are a matter of adjudication during trial. Thus, no useful purpose would be served by detaining the petitioner in custody any longer.

4. Learned counsel for the State has opposed the petition arguing that allegations raised are serious in nature and thus the petitioner does not deserve the concession of the regular bail.

5. Learned counsel appearing for the complainant supports the case of the petitioner to the extent that petitioner and the prosecutrix intend to marry each other.

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

7. Investigation has already completed; challan filed and charges were framed on 29.09.2023; prosecutrix already stands examined as PW-1. In view of the fact that prosecutrix and petitioner intend to marry each other now, further detention of the petitioner is not warranted. As per custody certificate submitted by the learned State counsel, the petitioner has undergone incarceration for more than 06 months. No tangible material has been brought before this Court to indicate likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence.

8. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to

the satisfaction of the Ld. concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

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

10. Ordered accordingly.

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

12. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

13. As the main petition has been allowed, no order is required to be passed in the accompanying applications.

(SUMEET GOEL)
JUDGE

January 10, 2024
Ajay

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