

CRM-M-46371-2024 (O&M)

226 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

2024:PHHC:130053



CRM-M-46371-2024 (O&M)
DATE OF DECISION : 30.09.2024

TEJPAL ALIAS TARUN ALIAS KALA ... PETITIONER

V/S

STATE OF HARYANA ... RESPONDENT

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Harshit Jangra and Ms. Kashish Sahni,
Advocates for the petitioner.
Mr. Kirpal Singh Thakur, AAG, Haryana.
* * *

HARPREET KAUR JEEWAN, J. (ORAL)

1. The instant petition has been filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS) seeking regular bail in case FIR No. 607 dated 03.10.2023 under Sections 376(2)(n), 384, 506, 34 IPC, under Section 67 of Information Technology Act and under Section 25 Arms Act (later deleted Section 34 IPC and Section 25 Arms Act), registered at Police Station Sadar Bhiwani, District Bhiwani.
2. Learned counsel for the petitioner *inter alia* contends that both the petitioner and the prosecutrix are major. Both are married with their respective spouses and having children. However, there was a consensual relationship *inter se* the petitioner and the prosecutrix. The present case was registered by the prosecutrix when her husband came to know about this relationship and she was ousted from her house and she was sent to her

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parental home. This fact has been admitted by her when she appeared as PW-7 during the trial.

3. Learned State counsel has opposed the bail application on the ground of gravity of allegations.

4. Custody certificate dated 30.09.2024 reflecting the custody of the petitioner as 08 months and 01 day has been taken on record.

5. I have heard the counsel for the parties and perused the record.

6. The present case was registered at the instance of the prosecutrix with the allegations that petitioner has promised to secure an employment to her son in the Army. He extracted money from the prosecutrix. Petitioner is alleged to have allured the prosecutrix and made physical relationship with her, clicked her photographs and also made her video. On the basis of the said video, he used to pressurise the prosecutrix to continue with the said relationship and also made the said video viral in the whole village. The investigation of the case is complete. Both the petitioner and prosecutrix are major and married with their respective spouses. After the framing of the charge, the prosecutrix has appeared as PW-7 and her statement has been recorded by the trial Court on 27.08.2024 (Annexure P-3). The allegations that the relationship was made on the allurement of securing a job for the son of the prosecutrix in the Army and as to whether her consent was obtained in view of the said allurement or under threat, is a matter of trial. The material witnesses have already been recorded. There is no possibility of tampering with the prosecution evidence. As per the State counsel, out of 17, 9 witnesses have been examined. The conclusion of the trial is going to take time. Therefore, without expressing any opinion on the merits of the case, the present petition is allowed. The petitioner is ordered

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to be released on regular bail, subject to his furnishing adequate bail bonds and surety bonds to the satisfaction of the trial Court concerned.

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

30.09.2024
Janki

(HARPREET KAUR JEEWAN)
JUDGE

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