



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

222

**CRM-M-47256 of 2024
DATE OF DECISION :- 26.09.2024**

Dharmendra Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Rohit Mittal, Advocate for the petitioner.

Ms. Priyanka Sadar, AAG, Haryana.

SUMEET GOEL, J. (Oral)

The instant petition has been filed on 12.09.2024 under Section 439 of Cr.P.C, 1973 for grant of regular bail.

As per the judgment rendered by this Court titled '*Abhishek Jain Versus State of U.T. Chandigarh and another*' (CRM-M-31808 of 2024) 2024PHHC085784, the instant petition is not maintainable under Section 439 of Cr.P.C, 1973. However, keeping in view the entirety of facts and circumstances of the case especially that the instant petition pertains to regular bail, the instant petition is directed to be considered as a petition under Section 483 of BNSS, 2023.

1. Present petition has been filed for grant of regular bail to the petitioner in case bearing FIR No.23 dated 27.05.2024, registered for the offences punishable under Sections 313.323.376(2)(n),506 and 120-B of IPC at Women Police Station, Narnaul, District Mahendergarh.
2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-



“1.That applicant Tamanna D/o Som Dutt is resident of village Gahali, Tehsil Narnaul, District Mahendergarh. That the applicant is coaching getting and preparing for P.O. and other competitive examinations at Jaipur. The mobile number of applicant is 9996737941.

2.That the applicant since long has made her ID from her above mentioned mobile number at Facebook and Instagram. That the accused Dharmender has also made his ID from his mobile number 9521186877 at Facebook and Instagram. That in December 2021, accused Dharmender has sent friend request to applicant which was accepted by applicant. After that on the above mentioned ID of applicant Dharmender started sending a accused lot of messages of Hello, Hi and other messages of Best Wishes. After that slowly-slowly started chatting also. During this chatting accused Dharmender also told that he is doing job in Air Force, and is unmarried and is in search of better matrimonial. That by proposing to applicant for his marriage, to know each other in a better way and by sitting together for discussion to know each other, he expressed his wish to meet with applicant.

3. That in February March 2022 accused has called applicant at bus stand Narnaul for meeting and first time we have met face to face with each other at bus stand Narnaul. Then by meeting with applicant, by offering applicant for marriage, he said that he want to marry with applicant. At this, being accused in the job, applicant has given him assurance to consider the proposal. After that we daily used to talk and applicant has given the information to her mother and by getting the consent for performing her marriage with accused, applicant has accepted the proposal of marriage of accused and after that many times we have met at Surya Vilas Hotel, Narnaul. During this mutual meeting, by emotionally blackmailing accused Dharmender has shoot photographs of applicant and then he has have physical relations with applicant also shoot the photographs and video of the same. After that also he has repeatedly have physical relations with applicant at Surya Vilas Hotel, Rewari Road, Narnaul. During the last two years of these two relations, applicant has also become



pregnant. In this regard applicant has intimated to accused through phone chatting and phone call also told to mother of youngman and that very shortly you perform your marriage otherwise there will be insult of us in society and village. The mother of accused has suggested to applicant for abortion and said that take the pill and abort and very soon by getting the auspicious occasion shall perform marriage. Therefore, the accused by taking into confidence has got done abortion of applicant without consent of applicant. Even after that by repeatedly requesting from applicant, accused is not performing marriage with applicant. At this mother of applicant has talked with mother of accused, Smt. Geeta Devi. Then she has put the demand of ₹11 Lakh cash, one car and marriage with very pomp and show, even the mother of applicant has accepted. But even then accused persons are not doing any efforts for marriage of applicant and accused Dharmender.

4. That at the repeated requests of applicant, Dharmender said to applicant that my nothing is not agreeing, we should elope and perform marriage at Arya Samaj Mandir and by Petition in the court will settle our marriage as legal and applicant was called by accused Dharmender at Neem Rana. 01.03.2024 applicant has gone at Neem Rana. There stayed at Hotel Star. At that time accused has told to applicant that the court in which the petition was to be filed that court is on holidays for 3-4 days. At this we both stayed there for 3 days and there accused has exploited applicant physically and sexually. During this applicant has checked the phone of accused Dharmender photographs of and engagement there were of accused Dharmender with some another girl. Then applicant has enquired from him that who is that girl. The he told that relation of his elder brother is settled at Hudina Rampura and she is her younger sister with whom my relation is also settled. If my relation is done here then relation of my brother will also break. At this applicant has objected then accused has beaten up applicant and said that you should not tell anyone about our relations and if you have filed any complaint etc then I shall viral your photos and videos and you will not be able to show your face and he has gone from there by leaving there the



applicant. At then applicant came to her house from there and told the entire things. At this parents and maternal uncle (Mama) of applicant have talked with accused and his family members. Then they have sent them back with false assurances but in this episode have not taken any step for performing marriage of applicant with accused.

5. That the accused Dharmender is extending threat that you should convince your family members and should not attempt to come to us again otherwise will get them killed and will viral your nude photos and videos. Therefore, accused has exploited applicant mentally, physically and sexually and mother of accused, Geeta Devi is also connived with accused. That regarding this matter, Station House Officer was also presented the complaint, but till date no action has been taken. Therefore, present application is being submitted before your goodself.

6. Therefore, by submitting the present application it is requested that the necessary legal action be initiated against, the strictest punished be get awarded to accused and justice provided to applicant.

It will be very much greatness of your goodself.”

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 02.07.2024. Learned counsel has further submitted that the perusal of the FIR would itself reveal that there was consensual relationship between the petitioner and the victim. Learned counsel for the petitioner has further submitted that the said consensual relationship turned sour later on and it is on this account that the petitioner has been falsely implicated into the FIR in question. To buttress his arguments, learned counsel for the petitioner has relied upon Whatsapp chat between the petitioner and the victim (copy whereof has been appended as Annexure P-5 with the instant petition) as also monetary transactions between the petitioner and the victim (details whereof has been appended as Annexure P-6 with the instant petition). In this view of the matter, learned counsel has prayed for grant of regular bail.



4. Learned State counsel has opposed the present petition arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificate dated 24.09.2024 in Court, which is taken on record.

5. Mr. Nikhil Kaushik, Advocate has filed vakalatnama for the complainant. The same be taken on record.

Learned counsel for the complainant has argued that the allegations made against the petitioner are serious in nature and hence he ought not to be extended the concession of regular bail. Learned counsel for the complainant has further submitted that in the statement under Section 164 of Cr.P.C made by the victim before the concerned Magistrate, clear allegations have been made against the petitioner that he had forcibly indulged into sexual relationship with the victim. Learned counsel for the complainant has further submitted that the petitioner had sexually exploiting the victim even after the Roka ceremony of the petitioner. Learned counsel for the complainant has further submitted that the victim is yet to be examined as a prosecution witness and hence bail ought not be granted to the petitioner.

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

7. The petitioner was arrested on 02.07.2024 whereinafter investigation was carried out and challan stands presented on 06.08.2024 Total 19 prosecution witnesses have been cited and culmination of trial, but of course, will take its own time. The rival contention of learned counsel for the parties; as to whether there was consensual relationship between the petitioner and victim which turned sour later on and it is on this account that the petitioner has been falsely implicated into the FIR in question as also the



veracity/weightage required to be attached to the Whatsapp chat (copy whereof has been appended as Annexure P-5 with the instant petition) as also to the monitory transactions (copy whereof has been appended as Annexure P-6 with the instant petition); shall be gone into during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, lest it may prejudice the trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence. As per custody certificate dated 24.09.2024 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 02 months and 22 days & is not shown to be involved in any other case.

Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.

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 cell-phone 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/Illaqa 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.

(SUMEET GOEL)
JUDGE

26.09.2024
P.Singh

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No