



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

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CRM-M-50405 of 2024**DATE OF DECISION :- 21.10.2024****Kuldeep****...Petitioner****Versus****State of Haryana and another****...Respondents****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL****Present:-** Mr. Sumit S. Bairagi, Advocate for the petitioner.

Ms. Priyanka Sadar, AAG, Haryana.

*********SUMEET GOEL, J. (Oral)**

1. Present petition has been filed under Section 483 of BNSS for grant of regular bail to the petitioner in case bearing FIR No.248 dated 06.04.2024, registered for the offences punishable under Sections 376-D and 506 of IPC at Police Station Indri, District Karnal.
2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

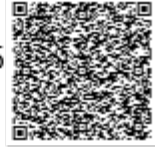
“The written application is as follows: To SHO Police station Indri To Mr. SHO, Police Station Indi subject Application for making illicit relationship and uploading photos on Facebook, against Kuldeep, Kuvaldeep sons of Kreshan village Bhadso, my request to you Sir is that I am Nirmala wife of Pura, resident of village Bhadaso, that I married to Puma Chand on 9-7-2006. That This Kuldeep son of Kreshan used to come to our house often. About three years ago he came to our house. I was taking a bath in the bathroom at that time. There was no door attached to the bathroom at that time so Kuldeep took a photo of me taking bath and showed it to me the next day and said that if you do not have a relationship with me then I will post these photos on FACEBOOK which will bring disrepute to you and your husband and you would be insulted. Then after five days he called me to Pipli bus stand and from there he took



*me to a restaurant and made me drink Coldrik due to which I became unconscious. After that Kuldeep made a video of me and made illicit relation with me without my consent. After that, whenever he got a chance, he would come to my house and raped me without my consent and if I refused, he threatened me to post the video and photos on Facebook. When I told this to Kuldeep's brother Kawaldeep, he said that I will come to your house tomorrow afternoon with the photo. The next day he came to my house and started saying that you should have a relationship with me also and make me happy too, When I refused to do so, then he forced me and pressed my breasts with his hands. When I shouted, he ran away. He said that today both of us brothers will post your photo and video on Facebook. In stress I told this to my husband on 29-3-2024, my husband asked the culprits and the culprits said that we will kill you too They will kill me, hence I request you sir to take appropriate legal action against the culprits. And my family should be protected. Thank you-sd- **Nirmala Applicant Nirmala wife of Purn Chand Village Bhadaso Tehsil Indri District Karnal 9991956327.**"*

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 01.06.2024. Learned counsel for the petitioner has further argued that there was actually a relationship between the petitioner and the complainant/victim which later on came to light and hence the petitioner has been falsely implicated into the FIR in question. In order to buttress his arguments, learned counsel has relied upon an application dated 01.04.2024 stated to have been moved by the husband of the complainant/victim before the police wherein it has been averred that there is illicit relationship between the petitioner and the victim/complainant. Learned counsel for the petitioner has further submitted that the petitioner has been falsely implicated into the FIR in question. 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 19.10.2024 in Court, which is taken on record.

5. Mr. Rajesh Duhan, Advocate has filed memo of appearance for respondent No. 2-complainant/victim. The same be taken on record.

Learned counsel for the complainant/victim has vehemently opposed the grant of regular bail to the petitioner by arguing that the allegations made against the petitioner are serious in nature and hence regular bail ought not to be granted to the petitioner. Learned counsel for the complainant/victim has further argued that the petitioner is likely to tamper with the evidence and threaten the complainant/victim in case he is released on regular bail.

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

7. The petitioner was arrested on 01.06.2024 whereinafter investigation was carried out and challan stands presented on 29.07.2024. Total 11 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 the petitioner was falsely implicated into the FIR in question as also the veracity/weightage required to be attached to the complaint/application dated 01.04.2024 stated to have been moved by the complainant/victim's husband to the police as also whether there was any kind of consensual relationship between the petitioner and the complainant/victim ; 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 19.10.2024 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 04 months and 19 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/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.

(SUMEET GOEL)
JUDGE

21.10.2024
P.Singh

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