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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-50586-2024 (O&M)

Date of Decision: 23.10.2024

VIRENDER @ VIRENDRA SINGH SOROUT

.. Petitioner

Vs.

STATE OF HARYANA

..Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Baljeet Beniwal, Advocate for the petitioner.

Ms. Ankita Ahuja, AAG, Haryana.

Mr. Balvinder Sangwan, Advocate
for the complainant.

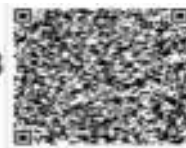
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SUMEET GOEL, J. (Oral)

1. Present petition has been filed under Section 483 BNSS, 2023 for grant of regular bail to the petitioner in case bearing FIR No.56 dated 28.05.2024, registered for the offences punishable under Sections 376, 328 and 506 of IPC at Police Station Women, Police Station NIT, District Faridabad, Haryana.

2. The case set up in the FIR in question (as set out by the petitioner in the present petition) is as follows:-

“Statement of Mamta w/o Late Rajender Kumar R/O H.No. 94, Ward No. 1, Shakti Nagar, Fatehabad, Currently tenant of house Owner Mukul House No. 167, 2nd Floor, Block OPP, Chaynay Bai Dharamshala, NH-3, Faridabad, Aged 38 Years, Education M.A., BED, LLB. Stated that I am resident of the above address, I am married and I have a son named Himanshu aged 17 years who lives with me. My husband passed away two years ago. About 7-8 months ago, I started talking with a person named Virender Ravia through facebook. That we use to talk over voice call and video calls on messenger and there were messages on Instagram as well. That

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Virender Ravia is a resident of Patti Hodal. It has been a long time talking, then Virender asked for my phone number and said that he will get me a job. That was on dated 15/5/24 I gave my phone no. 9999809495 to Virender. That on dated 23/5/24 at about 11.00 a.m, Virender called me on my mobile number from his mobile number 9992882122 and he called me to Ballabhgarh Bus Stand on the pretext of getting me a job and Virender came to Ballabhgarh bus stand in his WagonR car colour grey no. HR50114687 and took me to Gurugram in his car and kept on roaming around for 2-4 hours and then started going back towards Faridabad and took food items beer and cold drinks on the way. That after crossing the Pali Dhauj toll Virender parked his WagonR car on the side of a deserted road before the S.S Public School and started forcing me to drink beer, that I refused to take the beer. That the time was around 6 PM, Virender gave me a cold drink and as soon as I drank it I became slightly unconscious, that I was sitting on the seat next to Virender. Virender extended the seat of his car and raped me forcefully and took my obscene photos and at that time he used my stall to clean his and my private part, after that I got very scared and I said why did you do wrong to me then Virender said I have done this to many other girls. If you will tell anyone about this, then I will send you to your husband. I have taken photos, will make them viral and dropped me back at Ballabhgarh bus stand, due to fear I did not tell anyone. After two days, I told this to my sister Monika that Virender had deceived me by promising a job and did wrong with me. Legal action should be taken against him and I should be given justice. I am giving this statement of my own free will without any pressure or fear. Statement was written. I have read it. Which is fine. SD/-MAMTA. THIS STATEMENT IS RECORDED IN MY PRESENCE. SD/- SHYAM SHYAMWATI (L.AC) DT 28/5/24. ATTESTED SD/- ANITA ASI PS WOMEN FBD DT 28/5/24.”

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 10.07.2024. Learned counsel for the petitioner has submitted there was a consensual relationship between the petitioner and the victim which later on turned sour due to supervening circumstances and it is on this account, the petitioner has been falsely implicated into the FIR in question. Learned counsel for the petitioner has further submitted that the complainant had earlier got registered one FIR bearing No.75 dated 23.03.2021 at Police Station Women Cell, NIT Faridabad, Haryana, under



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Section 354-D of IPC which was later on quashed on the basis of settlement having been arrived therein. Learned counsel for the petitioner has further submitted that there is an inexplicable delay in registration of the FIR. Thus, regular bail is prayed for.

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.

5. Learned counsel for the complainant has made clear allegations against the petitioner & hence he ought not to be extended the concession of regular bail. It has been iterated by learned counsel for the complainant that the petitioner is receiving threat calls from the family/friends of the petitioner and in case he is released on bail, there is all likelihood that he would try to harm the complainant as also tamper with the prosecution evidence. Learned counsel for the complainant has further submitted that the petitioner is a habitual offender and a complaint had also been made by another woman against the petitioner for sexual assault.

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

7. The petitioner was arrested on 10.07.2024 whereinafter investigation was carried out & challan was presented on 09.08.2024. Total 17 prosecution witnesses have been cited and culmination of the trial, indubitably, will take its own time. The rival contention of the learned counsel for the parties; whether there was a consensual relationship between the petitioner and the victim; whether the petitioner has been falsely implicated into the FIR in question on account of such consensual relationship falling apart; the effect (if any) of the complainant having got

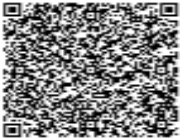
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registered an earlier FIR under Section 354-D of IPC and thereafter compromising the same; shall be gone into during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, lest it may 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 the custody certificate dated 22.10.2024 filed by the learned State counsel, the petitioner has suffered incarceration for 03 months and 13 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 present case.

Needless to say that in case the complainant/victim requires any direction, she would be at liberty to file an application before the Commissioner of Police, Faridabad, who shall take action thereupon in accordance with law.

8. In view of totality of factual matrix of the present case, the instant 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.



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- (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/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.

23.10.2024
Jasmine Kaur

(SUMEET GOEL)
JUDGE

Whether speaking/reasoned

Yes No

Whether reportable

Yes No