

CRM-M-54245-2023

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-54245-2023

Date of decision:11.01.2024

Vinod Kumar

...Petitioner

V/s

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Atul Lakhanpal, Senior Advocate with
Ms. Coral, Advocate for the petitioner.
Ms. Priyanka Sadar, AAG Haryana.
Mr. Amit Chaudhary, 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.465 dated 30.08.2023 (Annexure P-1), registered for the offences punishable under Sections 294, 323, 34, 376(1), 450 & 506 at Police Station City Fatehabad, District Fatehabad, Haryana.

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

Statement of Sarabjeet kaur: "I, Sarabjeet Kaur, wife of Amritpal Singh, Resident of Nathwan, Ratia Tehsil, tenant of Model Town, H.No 38, Fatehabad, mobile 80598-01531, aged around 40 years, hereby state that I am the aforementioned person residing in the above-mentioned address and engaged in household work. My marriage took place with Amritpal, son of Richhpal Singh of Nathwan, about 20 years ago, and we have two children from this marriage. For the last 14/15 years, due to estrangement with my husband, I have been living separately in Model Town, Fatehabad. I have known Vinod Kumar, son of Krishan Kumar, a resident of Badopal, for nearly 10 years. Both of us were living in a consensual relationship. Approximately since 6/7 months ago, we had a fight over some issue and since then we are estranged. Vinod has been mentally and

physically torturing me for many days. About three months ago, Vinod Kumar came to my house and forcibly established a physical relationship with me without my consent, and he threatened to kill me. On 29th August 2023, Vinod's father, Krishan Kumar, along with his mother, came to our house, engaged in a quarrel with me, used abusive language, and then left. In the evening, around 5:30 pm, Vinod's wife called me and verbally abused me. In the morning, at 9 am, being mentally disturbed by Vinod, I consumed pesticide near the gate of the women's police station. Due to this, action against Vinod and his family must be taken. I am providing this statement willingly and not under duress. (Signed) Sarabjeet Kaur.

3. Learned senior counsel for the petitioner has argued that the petitioner is in custody since 14.09.2023 and the challan has been presented after completion of investigation. He has further argued that the petitioner and the complainant were in a live-in-relationship for the last 10 years and the dispute has arisen because of the relationship turning sour. Therefore, it is prayed that the petitioner be granted the concession 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.

5. Learned counsel for the complainant while opposing the bail petition in tandem with the submission raised by the learned State counsel has also argued that even if it be assumed that the complainant was earlier in a consensual relationship with the accused, the petitioner in the FIR in question has been accused of forcibly establishing physical relationship without the consent of the complainant & hence the present petition deserves dismissal.

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

7. The petitioner is in custody since 14.09.2023; challan has been presented on 14.11.2023 wherein 09 prosecution witnesses have been cited & the trial is underway. The rival contentions made regarding consensual relationship between the parties as also the said relationship turning sour later on will be gone into during the course of trial. 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. Hence, in my considered opinion of this Court, further detention of the petitioner is not warranted.

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.

(SUMEET GOEL)
JUDGE

January 11, 2024
Ajay

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