



CRM-M-51720 of 2024 **1**

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

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**CRM-M-51720 of 2024
DATE OF DECISION :- 24.10.2024**

Jaipal

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Sanyam Khetarpal, Advocate for the petitioner.

Ms. Priyanka Sadar, AAG, Haryana.

SUMEET GOEL, J. (Oral)

1. Present petition has been filed under Section 483 of BNSS, 2023 for grant of regular bail to the petitioner in case bearing FIR No.250 dated 26.05.2023, registered for the offences punishable under Sections 376(2)(n), 506 of IPC and Section 67-A of Information Technology Act, 2000 at Police Station Dabua, District Faridabad.
2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

“To, The Officer-in-Charge, Police Station Dabua, Faridabad, I, Savita, wife of Naresh, daughter of Jagni, resident of Chaurasi village, District Faridabad, presently residing at House No. 11703, Nehru Colony, Dabua, Faridabad. My husband passed away in 2017. I have four children and I work as a cleaner. About two years ago, I started talking on the phone with Jaipal, son of Girdhari Lal, resident of House No. 9:93, Nehru Colony, Faridabad, and we became friends. After that, Jaipal and I also developed physical relationship. Jaipal took photos of me without clothes on his phone and started

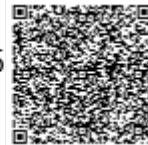


threatening me, saying that if I didn't continue to make physical relation with him, he would kill me. Jaipal also said that he wanted to talk to me. I was at home at that time. Jaipal came to my house on 24.4.2023 at 6 PM and without my consent, he makes physical relation with me. He warned me that if I told anyone about it, he would show everyone the photos of mine which he had on his phone. Then, on 16.5.2023 at around 5:30 PM, he called me to Lalwati in Dabua and took me on his bike to Leisure Valley, Surajkund, where he again forcefully makes physical relation with him. Jaipal started harassing me from different numbers and threatening to leak my explicit photos. Action should be taken against Jaipal.”

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 30.05.2023. Learned counsel has submitted that, *assuming arguendo*, the allegations in the FIR are taken to be correct, this reflect that there was consensual relationship between the petitioner and the victim which turned sour later on & it is on this account that the petitioner has been falsely implicated into the FIR in question. Learned counsel for the petitioner has further argued that the prime prosecution witness namely the victim already stands examined & thus there is no likelihood of the petitioner interfering with the important prosecution evidence. 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 23.10.2024 in Court, which is taken on record.

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

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6. The petitioner was arrested on 30.05.2023 whereinafter investigation was carried out and challan stands presented on 29.07.2023. Total 15 prosecution witnesses have been cited out of which only 03 have been examined till date. It is not in dispute that the testimony of the victim already stands recorded as a prosecution witness. The rival contention of learned counsel for the parties; as to whether the petitioner has been falsely implicated into the FIR in question, whether there was a consensual relationship between the petitioner and the victim which turned sour later on; 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 23.10.2024 filed by learned State counsel, the petitioner has already suffered incarceration for a period of about than 01 year 04 months and 24 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.

7. 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.

8. 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.

9. Ordered accordingly.

10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

11. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

24.10.2024
P.Singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No