

219

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-55800-2023 (O&M)

Date of Decision: 18.01.2024

RAVI

.. Petitioner

Vs.

STATE OF HARYANA

..Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Balraj Gujjar, Advocate for the petitioner.

Ms. Priyanka Sadar, AAG, Haryana.

...

SUMEET GOEL, J. (Oral)

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.53 dated 15.05.2023, registered for the offences punishable under Sections 328, 354(D), 376(2)(n), 384, 450 and 506 IPC, 1860 at Police Station Women Bhiwani, Haryana.
2. The case set up in the FIR in question is as follows:-

“It is stated that I Preeti w/o Monu am permanent resident of Dinod Road, Barhma Colony, Bhiwani, aged 29 years, Mob. No.97285-66795. Stated that I am the permanent resident of above said address. On dated 13.05.2020, I was alone at the home and about 4:30 pm I was making Mask. My neighbourer Ravi sto Pawan, R/o Dinod Road Brahma Colony, Bhiwani came to my house and committed wrong act with me after administering some substance in the cold drink and while going threatened me that I have made your video and in case you disclosed to anybody then I will make it viral. I did not tell this thing to anybody for the sake of my respect. Thereafter, Ravi started giving threat to me that came to me or in case you don't come then I will make your obscene video viral and will kill you. I used to visit the house of Ravi due to fear and he committed wrong act with me there. Ravi posing the threat of video taken by golden chain, golden ring and golden ear rings. I did not

remember the date, in the month of March, 2023 Ravi committed wrong act with me. Ravi has given mental and physical harassed to me and due to which I suffered paralytic attack. I went to parental house at Valambha having fed up from the harassment given by Ravi. There also Ravi harassed me. It is stated that I Preeti w/o Monu am permanent resident of Dinod Road, Barhma Colony, Bhiwani, aged 29 years, Mob. No.97285-66795. Stated that I am the permanent resident of above said address. On dated 13.05.2020, I was alone at the home and about 4:30 pm I was making Mask. My neighbourer Ravi sto Pawan, R/o Dinod Road Brahma Colony, Bhiwani came to my house and committed wrong act with me after administering some substance in the cold drink and while going threatened me that I have made your video and in case you disclosed to anybody then I will make it viral. I did not tell this thing to anybody for the sake of my respect. Thereafter, Ravi started giving threat to me that came to me or in case you don't come then I will make your obscene video viral and will kill you. I used to visit the house of Ravi due to fear and he committed wrong act with me there. Ravi posing the threat of video taken by golden chain, golden ring and golden ear rings. I did not remember the date, in the month of March, 2023 Ravi committed wrong act with me. Ravi has given mental and physical harassed to me and due to which I suffered paralytic attack. I went to parental house at Valambha having fed up from the harassment given by Ravi. There also Ravi harassed me.”

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the FIR in question on account of a monetary dispute & the prosecutrix has raised allegations primarily of rape committed in the year 2020 in the FIR registered in the year 2023. After investigation, challan has been presented and the trial is underway. Learned counsel has further argued that the instant case is one of improvised version. Thus, the learned counsel for the petitioner has prayed for grant of regular bail to petitioner.

4. Learned State counsel, on instructions from ASI Saroj, 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

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

6. After the accused was arrested on 17.05.2023, challan stood presented on 25.07.2023 wherein total 20 prosecution witnesses have been cited. 13 prosecution witnesses including the prosecutrix have been examined in Court. The petitioner is in custody for the last more than 7 months and is not shown to be involved in any other case as per custody certificate dated 16.01.2024. The rival contentions made by learned counsel for the parties regarding the case being of improvised version will be gone into during the course of trial. This Court does not deem it appropriate to delve deep into the merits of the rival contentions at this stage lest it may prejudice the rights of either of the parties. No tangible material has been brought forward to indicate that there is likelihood of the petitioner absconding from the process of law or interfering with the remaining prosecution evidence. Therefore, in the considered opinion of this Court, further detention of the petitioner as an undertrial is not warranted.

7.. 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.
- (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.

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.

18.01.2024

(SUMEET GOEL)

JUDGE

Jasmine Kaur

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No