

Sr.No.231

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

CRM-M-57315-2023(O&M)

Date of decision:08.04.2024

Ram Mehar

.....Petitioner

Versus

The State of Haryana

.....Respondent

CORAM: Hon'ble Ms. Justice HarpreetKaurJeewan

Present: Mr. ArvindBansal, Advocate
for the petitioner.

Mr. Kirpal Singh Thakur, AAG, Haryana.

Mr. Vishwajeet, Advocate
For the complainant.

HarpreetKaurJeewan, J.

1. The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.192 dated 30.08.2022 under Sections 323, 342, 344, 365, 376(2)(n), 384, 506 and 201 of the IPC, registered at Police Station Siwan, District Kaithal.

2. Notice of motion.

3. Mr. Vishwajeet, Advocate, who is present in Court, has filed his Vakalatnama on behalf of the Complainant in Court which is taken on record.

4. Status report along with the copy of the order dated 04.05.2023 passed by the Trial Court (Annexure R-1), true translation of the statement under Section 164 Cr.P.C (Annexure R-2/T), Copy of FSL Reports (Annexure R-3& R-4) and vernacular of the statement under Section 164 Cr.P.C (Annexure R-2) has already been filed by the State and the same is taken on record.

5. Present case was registered at the instance of the complainant with the allegations that the petitioner used to reside near the house of the complainant and

got recorded the video of the complainant at the time of taking bath and thereafter, started blackmailing the complainant. It is further alleged that he had extorted a sum of Rs.2 lakhs from the complainant by blackmailing her on the basis of the said video. It is further an allegation that on 03.08.2022 the petitioner forcibly taken the complainant out from her house and took her to another village and locked her in a room and also committed repeated rape upon her. Thereafter, under the influence of liquor, he alongwith some unknown persons came and again committed wrong act with her by tying her hands and legs. Thereafter, the petitioner had taken the complainant to his sister's house where the sister of the petitioner, brother-in-law of the petitioner and mother snatched all the gold jewellery and she was kept there by tying her hands and legs in a room. It is further contended that on 29.08.2022, the petitioner had taken the complainant upon his motor cycle and tried to throw her in a canal mud. The complainant saved herself by running away but she was again chased by the petitioner and she was again made to go on his motor cycle. On seeing a police barrier, the complainant jumped from the motor cycle and after rescuing, her custody was handed over to her family members. It is further alleged that petitioner is already married and he is a drug addict.

6. Learned counsel for the petitioner contends that the petitioner is in custody since 15.10.2022. Prosecutrix has already been examined as PW-1. There are major contradictions in her statements and she has admitted her signatures on an agreement of live-in-relationship (Annexure P-1) during her cross-examination when she appeared as PW-1 (Annexure P-4). It is further contended that the story of the prosecutrix is totally false. Both the petitioner and the prosecutrix were known to each other and they were in live-in-relationship as per their free consent which is also evident from the affidavit of the prosecutrix (Anneuxre P-2). The

matter was also settled with the intervention of the Panchayat and the prosecutrix executed an affidavit dated dated 07.09.2022(Annexure P-2). However, later on petitioner had been falsely implicated in the present case.

7. Learned State counsel as well as learned counsel for the complainant have opposed the bail application on the ground of gravity of the allegations. However, this fact has been confirmed that after the conclusion of the investigation, challan has been presented and statement of the prosecutrix has already been recorded during the trial.

8.. I have considered the aforesaid facts and circumstances of the case. It is not disputed that prosecutrix is 28 years old and married, her statement (Annexure P-4) has already been recorded during the trial. In her statement, she has submitted that she is having two children, her daughter was with her and her son is living with his father. She has also identified her signatures on the agreement of live-in-relationship (Annexure D-1) (Annexure P-1 appended with the present petition).

9. Keeping in view the facts that investigation is complete and statement of the prosecutrix has already been recorded during the trial, allegations of the prosecuterix and the defense taken by the petitioner is the subject matter of trial; the trial will take some time to conclude; as such, the petitioner is ordered to be released on regular bail, subject to his furnishing adequate bonds/surety to the satisfaction of the trial Court/CJM, concerned.

10. Without commenting on the merits of the case and keeping in view the above facts, the present petition is allowed.

8th April, 2024
ShivaniKaushik

[HARPREET KAUR JEEWAN]
JUDGE

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