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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRA-S-3804-2023

Date of decision: 01.02.2024

Ranbir Singh

....Appellant

V/s

State of Haryana and another

....Respondent

CORAM: HON’BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Sandeep Saini, Advocate for the appellant.

Ms. Ankita Ahuja, AAG Haryana.

SUMEET GOEL, J. (Oral)

1. Present appeal has been filed under Section 14-A of the Scheduled Caste & Scheduled Tribes (Prevention of Atrocities) Act, 1989 for grant of regular bail to the appellant in case bearing FIR No.258 dated 27.05.2022, registered for the offences punishable under Sections 328, 376 IPC and Section 3(2)(v) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 at Police Station City, District Jind.

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

To, The SH.O. Police Station City Jind Subject- Regarding doing rape. Sir, It is requested that I Kismat daughter of Sh. Dalbir Singh caste Valmiki am a resident of Village Gulkani, District Jind and now I am living on rent in the house of Ranvir Singh son of Sh. Rattan Singh caste Jaat resident of Ram Nagar, Rohtak Road Jind. On today dated 27.05.2022 I came downstairs for washing clothes then the owner of the house Ranvir Singh gave me cold drink to drink. After drinking the cold drink I went upstairs and then I made the clothes dry and after making the clothes dry I went inside and I drank water there and I fell dizziness and I slept. When I woke up I was in complete naked state. I wore the lower lying near me and after wrapping the cloth (chunni) I jumped to the rooftop of my neighbourers. Then made me sit for a long time and then called the police and vehicle of 112 came to the spot. Ranvir has

done rape with me by mixing tablet in cold drink. So I am requesting you that legal action be initiated against Ranvir and he be given strict conviction and justice be given to me. I will be really grateful to you. Thanking You dated 27.05.2022 Qismat daughter of Sh. Dalbir Singh caste Valmiki resident of Village Gulkani, District Jind”

3. Learned counsel for the appellant has argued that the appellant was arrested on 28.05.2022 whereinafter investigation was carried out and challan was presented. Learned counsel has further submitted that the complainant (herein) had earlier got one FIR No. 0003 dated 24.01.2018 registered at Police Station Women, District Hansi under Sections 376, 506, 511, 323 & 34 IPC wherein cancellation report was submitted by the Police. Learned counsel has emphasized that the instant case is one of honey trapping and the appellant (herein) has been falsely implicated so as to extort money from him. In this view of the matter, learned counsel has prayed for grant of regular bail.

4. Learned State counsel has opposed the present appeal arguing that the allegations raised are serious in nature and thus the appellant does not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificate dated 31.01.2024 in Court, which is taken on record. In terms of order dated 25.01.2024; learned State counsel, on instructions from SI Naresh, has submitted that the complainant has been informed about the date of hearing fixed in the present case. However, none has appeared on behalf of respondent No.2-complainant

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

6. The appellant was arrested on 28.05.2022 whereinafter investigation was carried out and challan was presented on 12.07.2022. Total 14 prosecution witnesses have been cited out of which the testimony of the victim already stands recorded as a prosecution witness (PW-2). The rival contention of learned counsel for the parties, regarding the instant case being one of false implication and/or honey trapping, 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 case of either parties. As per custody certificate dated 31.01.2024 filed by the learned State counsel, the appellant has already suffered incarceration for a period of more than 01 year and 08 months & is not shown to be involved in any other case. Appellant is an old man aged 66 years and is stated to be not keeping good health. Further no perceptible material has been brought forward to indicate the likelihood of the appellant absconding from the process of justice or interfering with the remaining prosecution evidence. Suffice to say, further detention of the appellant as an undertrial is not warranted.

7. In view of above, the present appeal is allowed. Appellant 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 appellant shall remain bound by the following conditions:-

- (i) The appellant shall not mis-use the liberty granted.
- (ii) The appellant shall not tamper with any evidence, oral or documentary, during the trial.

- (iii) The appellant shall not absent himself on any date before the trial.
- (iv) The appellant shall not commit any offence while on bail.
- (v) The appellant shall deposit his passport, if any, with the trial Court.
- (vi) The appellant 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 appellant 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 appellant.

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 appeal has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

February 01, 2024
Ajay

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