

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-63289-2023
Date of decision: 28th February, 2024

Mani Kumar

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Jasraj Singh, Advocate for the petitioner.
Mr.A.S. Samra, AAG, Punjab.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 439 of Cr.P.C.
seeking regular bail in FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
290	21.09.2023	Tanda, District Hoshiarpur	376 of Indian Penal Code, 1860 (For short 'IPC') (Sections 506 and 384 of IPC added during investigation)

2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR was lodged by the prosecutrix on 21.09.2023 on the allegations that she used to do stitching/embroidery work at a shop in her village. The petitioner along with his wife used to visit her shop for the purpose of stitching of clothing for his wife. Since February, 2023, he had started stalking her. He clicked her photographs while she was on way to her house some day and thereafter, he started harassing her by

threatening that he would defame her by misusing her photos if she did not maintain physical relations with him. He compelled her to meet him. In June 2023, he took her to a hotel at Tanda wherein, he forcibly developed physical relations with her and thereafter started blackmailing her. The prosecutrix shifted to Hoshiarpur, wherein her husband used to mostly stay but the petitioner did not stop harassing her there also. On 09.07.2023, he went to her house in her absence along with three persons armed with weapons and extended threats to her family members by proclaiming that he would take the prosecutrix with him. She also alleged that he had extracted a sum of ₹68,000/- from her at different points of time. After registration of FIR, investigation proceedings were initiated. The medico legal examination of the prosecutrix was conducted. The petitioner was arrested on 04.11.2023. After completion of necessary investigation and usual formalities, challan under Section 173 Cr.P.C. was presented in the Court and presently, he is facing trial for commission of the aforementioned offences.

3. The present petition has been filed by the petitioner on the grounds and it is argued by his counsel that he has been falsely implicated in this case. In fact, the prosecutrix and the petitioner himself were working as contractual employees with Punjab State Power Corporation Limited, whereas, the husband of the prosecutrix was working as a travel agent. Her husband was nominated as an accused in a case bearing FIR No.137 dated 19.07.2023 registered at Police Station Canal Colony, Bhatinda. The prosecutrix and her husband suspected that the petitioner had helped the husband of the complainant of that case in lodging of the FIR against the

husband of the prosecutrix in the case and that is why he was falsely implicated in this case. There was undue and inordinate delay in lodging of FIR which has been not at all been explained by the prosecutrix. She even refused to get her internal medico-legal examination conducted, He is in custody since 04.11.2023. His custodial interrogation is no more required. Trial is likely to take time. Therefore, it is argued that he deserves to be given concession of bail.

4. The petition has been resisted by the State counsel in terms of the status report. He has argued that there are serious allegations against the petitioner. It is admitted that the prosecutrix did not get her internal examination conducted and as such the samples could not be collected. It has also been submitted that the statement recorded under Section 164 of Cr.P.C. on 28.09.2023, before the concerned Judicial Magistrate, the prosecutrix had reiterated the allegations in the FIR. It is therefore argued that the petition does not deserve to be allowed.

5. I have heard learned counsel for the petitioner as well as learned State counsel at considerable length and have gone through the record carefully.

6. The petitioner is alleged to have ravished the prosecutrix in June, 2023 and is also alleged to have extorted money from her. Trial against him has commenced. The prosecutrix and other material witnesses are yet to be examined. There is nothing on record to show that there would be any undue delay in conclusion of the trial. The allegations against the petitioner

are specific and serious in nature. Merely, because of the fact that the prosecutrix did not get her internal medical examination conducted, it cannot be assumed at this stage that the prosecution story was false. Keeping in view, the nature of the subject offences, the quantum of sentence which the conviction may entail and entire facts and circumstances of the case, I am of the considered opinion that petition does not deserve to be allowed at this stage. Hence, the same is dismissed.

7. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.
8. Since the main petition has been dismissed, pending application if any is rendered infructuous.

[MANISHA BATRA]

JUDGE

28th February, 2024

Parveen Sharma

1. Whether speaking/ reasoned

:

Yes / No
2. Whether reportable

:

Yes / No