

2024:PHHC:013668

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

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CRM-M-63159-2023

Date of decision: 01.02.2024

Rohit

....Petitioner

V/s

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr.Rakesh Nehra, Senior Advocate with
Ms. Himani Anand, Mr. Sauhard & Mr. Vikalp Hooda,
Advocates, 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.291 dated 21.08.2023, registered for the offences punishable under Sections 354-C, 506, 376(2)(n), 120-B of IPC, at Police Station Urban Estate, District Rohtak.

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

*“To S.H.O. P.S. Urban Estate District Rohtak
It is requested that I, Pooja daughter of Bijender Singh resident of H.No. 129/30 Ram Gopal Colony and goes for work out in the gym. A boy named Rohit also practices with me in the gym, with whom I started chatting on Instagram 5-6 months ago and we both became friends. During the conversation he told me that he is having the video of mine changing clothes. If you come to meet me then, I will delete that video. On the pretext of deleting this video, he called me to his friend's room in Ram Gopal Colony and under the threat of the video, he established physical*

relations with me again and again and also secretly made a video of our intimate scene. After that, he shared this video with his friends on WhatsApp. He kept on pressurising me into marrying his or otherwise he will make this video of mine viral on social media and continuously blackmailed me emotionally on this issue and used to pressurise me for performing court marriage. I was informed of my video with Rohit in the room by my friend Sushma (Delhi) by sending the video to me through WhatsApp, which I had deleted due to fear of my family members. Please take legal action against Rohit for blackmailing me, threatening to make video viral and for forcing me to have physical relations repeatedly. Sd/- Pooja dated:21.08.2023."

3. Learned senior counsel for the petitioner has argued that the petitioner is in custody since 22.08.2023 wherein after investigation was carried out & challan stands presented. Learned senior counsel for the petitioner has further argued that the FIR in question has been got registered by the complainant on account of fall out of a consensual relationship between them. Learned senior counsel for the petitioner has further argued that the victim refused to get herself medically examined out of her own free will on 21.08.2023. Thus, regular bail is prayed for.

4. Learned counsel for the State has opposed the present petition by arguing that the allegations raised are serious in nature and, thus, the petitioner does not deserve the concession of regular bail.

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

6. The petitioner is in custody since 22.08.2023 whereinafter investigation was carried out & challan has been presented on 18.10.2023.

Total 18 prosecution witnesses have been cited & culmination of trial will

take its own time. The rival contentions of the learned counsel for the parties as to whether the case in hand is the result of falling out of an earlier consensual relationship 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 the custody certificate dated 31.01.2024 filed by the learned State counsel, the petitioner has suffered incarceration for more than 5 months & is not shown to be involved in any other case. No tangible material has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the remaining prosecution evidence. Suffice to say, 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.

(SUMEET GOEL)
JUDGE

February 01, 2024

poonam

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No