



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M No.60924 of 2024
Date of decision : 13.12.2024

VikasPetitioner
Versus
State of HaryanaRespondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Ms. Tejaswini, Advocate (Through VC) and
Mr. Nishant Khatri, Advocate, for the petitioner
Ms. Priyanka Sadar, AAG, Haryana

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioner in case FIR No.121 dated 23.10.2024, under Sections 323, 376 (2)(n) and 509 of the IPC, registered at Women Police Station, Gurgaon.
2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

'To The SHO, Police Station Gurugram Subject: Forcefully physical relation, blackmailing, physical harassment Dear Sir, I am Mxxxx, D/o Devender Singh, residence of xxxxx, Currently living in xxxx IMT Manesar. I met a boy named Vikas Lather, S/o Sumer Lather, residence H.No.500, JBM College, Shadipur, Julana, Jind. We were good friends since 2018, and in 2020, he forced me to get physical with him and then promised to marry me and he came to Gurgaon as I am working in Accenture from June 2019.He took me to Hotel Westin Gurgaon on 26 December 2020. After getting physical, he started blackmailing me, that he



has my nude videos photos he will leak them or I will have physical relation with him on monthly basis. Then he started beating me giving us physical harm and blackmailed me every time after his activities. I finally decided to take stand for myself and on 8th March 2024 in Hotel Crown Plaza Gurgaon. I denied to get physical with him after that he beaten me and had forcefully physical relations with me. In April 2024 I denied to get marry to him and then he threw my nude photos to all my relatives house in Rohtak and threaten me to kill my family members and me. He then blackmailed me that he will talk to everyone and tell my relatives about me and he did the exact same and used vulgar language in front of everyone. He then filed a false case against me in Jind so that I cant get outside India as my marriage got fixed to a NRI of Hisar. He then called him and got my marriage cancelled. He then filed FIR against me in Julana mandi station that I am not agreeing to get car transfer which I bought from his sister Poonam. In Feb 24 I got scammed in online financial fraud he supported me in that and took a signed cheque for some legal procedure to verify my bank details and he used that cheque against me and filed a case of Rs. 20 Lakhs in Jind court to make suffer and I am getting so much of mental health issues and my parents are on mediation because of ongoing activities form last six months. His all family is supporting him in his activities as I have talk to his father (Sumer Singh), brother (Priyawart) and his sister. I know want your attention to this urgent matter and take legal action. Vikas Lather phone no old no 9518857672, New No. 7988732299. This complaint inwritten in presence of legal advisor Mrs. Resham Johari. Thanking you.

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 7.11.2024. Learned counsel has further argued that the matter is under investigation and the culmination thereof will take time. Learned counsel for the petitioner has further argued that perusal of the FIR would clearly shows that the petitioner and the victim were in relationship since the year 2018 which turned sour later on and hence the FIR in question has been registered against the petitioner so as to wreak vengeance upon the petitioner. Learned counsel has further argued that



the petitioner had filed a criminal complaint under Section 138 of the Negotiable Instruments Act, 1881 against the victim/complainant on 15.7.2024 wherein summoning order was issued on 24.9.2024 and the complainant was served on 19.10.2024 & whereinafter the complainant has got lodged the FIR in question as a counter-blast on 23.10.2024. Learned counsel has further referred, *in extenso*, to the whats-app chat (copy whereof has been appended as Annexure P-7 with the instant petition) to substantiate her arguments. Learned counsel for the petitioner has further argued that the victim is an educated lady of 26 years and is gainfully employed in a professional company and it cannot be said that she was a gullible victim. Thus, regular bail is prayed for.

4. Learned State counsel 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 the regular bail. Learned State counsel seeks to place on record custody certificate dated 12.12.2024 in Court, which is taken on record.

Mr. Lalikt Kumar Narang, Advocate has entered appearance on behalf of the complainant and has filed his *vakalatnama*. The same be kept on record.

Learned counsel for the complainant has vociferously opposed the grant of regular bail to the petitioner by arguing that the matter is still under investigation. It has been further iterated that in case the petitioner is released on bail, there is all the likelihood that he may intimidate the witnesses as also threatened the complainant. Learned counsel has further



argued that grave and serious allegations have been made against the petitioner and hence, he ought not to be enlarged on regular bail. Learned counsel for the complainant has further argued that the criminal complaint under Section 138 of N.I. Act filed against the FIR-complainant at the instance of the petitioner, is only a pressure tactics so as to involve the complainant into further physical relationship.

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

6. The petitioner was arrested on 7.11.2024 and is in continuous custody since then. Indubitably the matter is still under investigation, but the same does not preclude this Court to deal with the present bail petition in any manner. The rival contention of learned counsel for the parties; as to whether the petitioner is a victim of consensual relationship since the year 2018, whether the said consensual relationship fell apart later on and the present FIR is outcome of such relationship turning sour, the effect of the criminal complaint under Section 138 of the N.I. Act filed by the petitioner against the complainant as also the weightage/veracity required to be attached to the whats-app chat (copy whereof has been appended as Annexure P-7 with the instant petition); 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 trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence. As per custody certificate dated 11.12.2024



filed by learned State counsel, the petitioner has already suffered incarceration for a period of about one month and four days & is not shown to be involved in any other case.

Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.

7. In view of above, the present 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 cell-phone 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.

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10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

(SUMEET GOEL)
JUDGE

13.12.2024
Ashwani

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