



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

221

CRM-M No.62182 of 2024 (O&M)
Date of decision: 09.01.2025

Kamaljeet @ Kawaljeet

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Manoj Tanwar, Advocate for the petitioner.

Mr. Sukhdeep Parmar, Sr. DAG, Haryana
with Mr. Deepak Kumar, IPS, DCP and
Mr. Sukhbir Singh, ACP, Investigating Officer.

Mr. Atul Yadav, Advocate
for the complainant.

NAMIT KUMAR J. (Oral)

1. Status report by way of an affidavit of Vikas Arora, IPS, Commissioner of Police, Gurugram, on behalf of respondent – State has been filed in the Court today which is taken on record.
2. Prayer in this petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, is for grant of regular bail to the petitioner in FIR No.207 dated 19.07.2024, registered under Sections 328, 376(2)(n), 376-D, 384, 506 IPC, at Police Station Manesar, District Gurugram.
3. In pursuance to the order dated 20.12.2024, Mr. Vikas Arora, Commissioner of Police, Gurugram, has joined proceedings through video conferencing.

2025:PHHC:001847



4. As per the prosecution case, the complainant/victim lodged the present FIR against the petitioner and co-accused Abhishek @ Aashu with the allegations that she came in contact with petitioner through Aashu @ Abhishek in a marriage. The petitioner and co-accused Aashu called her in Manesar in the month of December where they took her into a Hotel and committed rape upon her. She alleged that they also made a video of this incident and threatened her to make it viral if she disclosed about it to anybody. She further alleged that the accused persons also took money and jewellery from her by extending threats. She also alleged that due to continuous harassments, she also tried to commit suicide but saved by her family members. On these allegations, the present FIR was got registered.

5. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in the present case with ulterior motive. The petitioner was running a shop of electrical and plumbing equipments. The co-accused of the petitioner namely Aashu @ Abhishek was working in the shop of the petitioner as electrician helper and he had love affair with the complainant/victim and one day, the petitioner caught co-accused Aashu @ Abhishek and the complainant in his shop in a compromising condition. Due to this, the family members of the complainant namely Jaswant (maternal uncle), Pardeep, Michu, Rahul (cousin brother of the complainant) became furious and on 17.02.2024 at about 09:30 PM, they called the petitioner through Aashu @ Abhishek and then they abducted the petitioner and



caused him beatings brutally. The said incident of abduction was captured in a CCTV camera installed in the street and with regard to the alleged incident, the petitioner got registered an FIR No.64 dated 20.02.2024, under Sections 147, 149, 323, 365, 506 IPC at Police Station Pataudi, against Aashu, Michu, Jaswant and Pardeep, who were the relatives of the complainant. He further submits that the complainant is 30 years old married woman having 02 children and she had extra-marital affair with co-accused Aashu @ Abhishek and the petitioner has been falsely implicated in the present FIR in a counter-blast to the FIR registered by him against the relatives of the complainant/victim.

6. Learned counsel for the petitioner further submits that the complainant has alleged that in the month of December, 2022, the petitioner and co-accused Aashu @ Abhishek took her to a hotel where they committed rape upon her, whereas, in her statement recorded under Section 164 Cr.P.C., dated 20.07.2024, she has stated that the accused persons committed rape upon her on 03.02.2023. During the course of investigation, the police recorded the statement of Manager of the said hotel, who stated that on 03.02.2023, the petitioner did not book any room in the hotel.

7. Learned counsel for the petitioner further contends that earlier on the complaint submitted by the complainant, an enquiry was conducted by the Assistant Commissioner of Police, Manesar, District Gurugram, wherein it was concluded that the allegations levelled in the



complaint have been found to be baseless. The said enquiry report was approved by the Deputy Commissioner of Police, Manesar, District Gurugram on 23.04.2024.

8. Learned counsel for the petitioner further submits that the petitioner is in custody since 31.08.2024 i.e. for the last 04 months and 08 days; he is not involved in any other case. He also submits that the investigation in the present case is complete; challan stands presented and out of 17 PWs, none has been examined so far and the trial is likely to take a considerable time to conclude and, therefore, no fruitful purpose would be served by detaining the petitioner behind the bars.

9. Per contra, learned State counsel has opposed the prayer for grant of regular bail to the petitioner on the ground that the petitioner is the main accused and he exploited the complainant/victim and, therefore, he does not deserve the concession of regular bail. However, he could not refute the factual position and that out of total 17 prosecution witnesses, no PW has been examined till date; the petitioner is not involved in any other case; he is in custody since 31.08.2024 and the trial may take a considerable time to conclude.

10. I have heard learned counsel for the parties and perused the record.

11. Without commenting anything on merits of the case and considering the fact that the petitioner is not involved in any other case; he is in custody for the last 04 months and 08 days; investigation is complete; challan stands presented and out of 17 PWs, none has been

examined so far and the trial is likely to take considerable time to conclude, the present petition is allowed and the petitioner is directed to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate concerned.

12. However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

09.01.2025

yakub

(NAMIT KUMAR)

JUDGE

Whether speaking/reasoned:

Whether reportable:

Yes/No

Yes/No