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

CRM-M-65023-2024
Date of Decision:- 24.07.2025

DEEPAK THAKURPetitioner

Vs.

STATE OF HARYANA AND ANOTHER ...Respondents

CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Sauhard Singh, Advocate for the petitioner.

Mr. Viney Saini, AAG, Haryana.

Mr. Balvinder Sangwan, Advocate for respondent No.2.

AMARJOT BHATTI, J. (Oral)

1. Petitioner has filed instant petition under Section 483 Bharatiya
Nagarik Suraksha Sanhita, 2023 for grant of regular bail in FIR No.424 dated
02.10.2024 under Sections 323, 328, 376 (2) (n) and 506 of IPC registered
at Police Station Faridabad Kotwali, District Faridabad, Haryana.

2. Facts of the case are, prosecutrix gave her statement that she
has studied upto 12th class. She is 21 years old and was working in EDM
Mall, Delhi since, 2024. In the said mall, Deepak used to sing songs. She
came in contact with him. On 11.05.2024 he offered to drop her to her house



as it was raining. He took her mobile phone number and thereafter he started calling her. They started talking to each other. On 13.05.2024, he called her on his birthday. She refused to meet him. On 16.05.2024 he claimed that he had organized his birthday party and she was also invited. Finally, she agreed to attend the said party. He picked her from Neelam Metro Station and took her to OYO Sewa Ridency Hotel, NIT Faridabad. He asked for her Aadhar Card and to sign in the register of hotel. She was taken to room. She enquired about his friends who stated that other friends are coming soon. He made me drink cold drink and thereafter she started feeling intoxicated. On regaining consciousness, she found herself naked. He threatened to tell everyone. He had developed physical relations with her against her wishes and threatened to kill her and her family. Thereafter, he started saying that he will marry her. Thereafter, on every Monday he used to call her to OYO Seva Redincy Hotel and used to develop physical relations with her against her wishes. When she refused to meet him, he gave her beatings and threatened to kill her. He used to talk to other girls in her presence. In-fact, he made false promise of marriage and continued to have physical relations with her.

3. Counsel for petitioner argued that he was arrested in this case on 02.10.2024. All allegations levelled against him are false. In-fact, they used to meet each other and had consensual relationship. She accompanied the petitioner to the Hotel with her sweet will. No act was done forcibly. Prosecutrix is an educated girl and was working lady. Therefore, there is no



question of her exploitation.

Learned counsel for petitioner also referred to the previous order dated 29.05.2025 when the trial Court was directed to record the statement of victim. It is pointed out that victim was examined-in-chief and her cross-examination was deferred at the request of his counsel subject to payment of Rs.1,000/-. Costs was duly deposited but thereafter, the prosecutrix refused to step into the witness box for cross-examination that she wanted to file application for further investigation and the case was adjourned. Thereafter, she did not turn up and herailable warrants have been issued. It is pointed out that there is deliberate delay on the part of the prosecutrix to harass the petitioner.

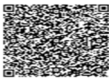
4. Status report has been filed. Learned counsel representing State confirmed that petitioner was arrested on 03.10.2024 and since then he is behind the bars. Challan was presented in this case on 20.11.2024 and after framing of charges on 31.01.2025 case is pending for prosecution evidence. As per status report, it is alleged that till date, no witness has been examined.

5. I have considered the arguments and have gone through the record. Present petitioner was named in FIR who was arrested on 03.10.2024. After completion of investigation, challan was presented and prosecution evidence is to be recorded. As per previous order dated 29.05.2025, trial Court was directed to make every possible endeavour to record the statement of victim. Report has been received from the learned District and Sessions Judge, Faridabad according to which on 09.07.2025 prosecutrix was present



but she refused to give her statement as son of her counsel had met with an accident. Matter was adjourned to 14.07.2025. On 14.07.2025, she was present in the Court and again refused to give her statement as she wanted to file application under Section 173 (8) read with Section 216 Cr.P.C. Application was disposed of on 17.07.2025 and the case was again fixed for remaining evidence of prosecutrix for 19.07.2025. On that date, prosecutrix did not appear and her bailable warrants are issued for 05.09.2025.

Aforesaid conduct of the prosecutrix indicates that she wants to linger on the matter on one pretext or the other. Prosecutrix is no doubt a material witness and there was an effort to record her statement before entertaining regular bail application filed by the petitioner/accused. Conduct of prosecutrix clearly indicates that she is trying to misuse the process of law. Facts of the case indicate that both prosecutrix and present petitioner are major and of the same age group. Prosecutrix admitted in the FIR itself that she was visiting along with the petitioner to a hotel for meeting him on every Monday. Counsel for petitioner has also placed on record register of the hotel (Annexure P-2). Trial in this case may take some time. Facts and the evidence recorded by the trial Court will be considered at appropriate stage. Without commenting on the merits of the case, regular bail petition filed by the petitioner is allowed and he is ordered to be released on bail on furnishing bail bonds and surety bonds to the satisfaction of trial Court/Duty Judge, concerned.



6. Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

(AMARJOT BHATTI)
JUDGE

24.07.2025
snd

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