



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

209

CRM-M-32877-2024

Date of decision: 20.02.2025

Sudhir

.....Petitioner

versus

State of Haryana and another

.....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

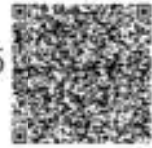
Present: Mr. Deepender Singh, Advocate for the petitioner.

Ms. Priyanka Sadar, A.A.G., Haryana.

Mr. Arjun Dhingra, Advocate for respondent No.2.

NAMIT KUMAR, J. (ORAL)

1. The petitioner has filed the present petition under Section 439 of Cr.P.C. seeking regular bail in case FIR No.97 dated 02.05.2022 registered under Sections 376(2)(n) & 506 of IPC, 1860 and Section 12 of POCSO Act, 2012 and Section 67-A of I.T. Act, 2008 (Section 323 and 450 of IPC were added later on) at Police Station NIT, Faridabad.
2. The abovesaid FIR was registered on a complaint made by the prosecutrix alleging therein that accused (the petitioner) developed friendship with her and one day he took her to a hotel & forcibly committed rape upon her and also took her obscene photographs & videos. Thereafter, the accused started taking her in different hotels and used to take advantage of her. The accused also pressurized her for developing physical relations with her elder daughter aged around 16 years old. On 26.04.2022, the accused threatened her that if she will not send her daughter, then he would kill her and her family members. When the complainant did not go to the accused, in the night at around

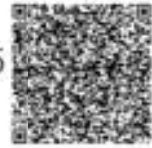


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11.00 p.m., the accused forcibly entered into her house and gave beating to her husband. One day the accused caught hold of the hand of her daughter and also threatened her that he will viral her obscene photographs in case she did not send her daughter to him. The accused had also sent the obscene photographs of the complainant to her relatives.

3. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in the present case. The age of petitioner is 40 years and the age of the prosecutrix is 32 years. They were in consensual relationship and everything was done with the consent of prosecutrix. However, lateron when the relations between the petitioner and proxecutrix became sore, the instant FIR was registered against the petitioner. He further submits that so far as the offence under Section 12 of POCSO Act is concerned, the only allegation is that the petitioner caught hand of the daughter of the prosecutrix which is clear from her statement recorded under Section 164 of Cr.P.C.. He submits that the petitioner is in custody since 10.05.2022. He further submits that investigation in the present case is complete; challan has been presented; charges have been framed and out of total 25 prosecution witnesses, only 04 have been examined so far including all the material/private witnesses. He further submits that the trial may take a considerable time to conclude, therefore, no fruitful purpose would be served by detaining the petitioner behind bars.

4. Per contra, learned State counsel, assisted by learned counsel for the complainant, has vehemently opposed the prayer for grant of regular bail to the petitioner on the ground that the petitioner



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forcibly established physical relations and committed rape upon the complainant after blackmailing her on the basis of obscene photographs taken by him. However, she submits that petitioner is in custody for the last more than two and a half years; investigation is complete; challan has been presented; charges have been framed and out of total 25 prosecution witnesses, only 04 have been examined so far.

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

6. Keeping in view the custody period of the petitioner i.e. 02 years 09 months and 10 days, the facts that the investigation in the present case is complete; challan has been presented; charges have been framed; out of total 25 prosecution witnesses, only 04 have been examined so far; trial may take a considerable time to conclude, therefore, the petitioner is ordered to be released on regular bail during trial on his furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court.

7. The petition stands disposed of accordingly.

8. However, anything observed hereinabove shall not be treated as an expression of opinion on the merits of the case and is meant for the purpose of deciding the present petition only.

20.02.2025

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**(NAMIT KUMAR)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No