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

CRM-M-45153-2024
Date of Decision:- 04.04.2025

Surender Kumar ...Petitioner

Vs.

State of Haryana ...Respondent

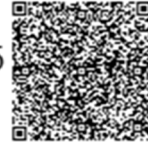
CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Mohit Garg, Advocate
for the petitioner.

Ms. Aditi Girdhar, AAG, Haryana.

AMARJOT BHATTI, J.(Oral)

1. Petitioner – Surender Kumar has filed second petition under Section 439 Cr.P.C. for grant of regular bail in FIR No. 724 dated 22.08.2023 under Section 313, 323, 376(2)(n), 420, 406, 467, 468, 471, 34 of IPC registered at Police Station Barwala, District Hisar (Annexure P-1).
2. Facts of the case are complainant ‘S’ filed written complaint against Surender Kumar and Mewa Devi. She alleged that she is less educated. Her father expired in the year 2021. Surender Kumar was serving in Indian Army posted at Ladakh 24 Rajputana Rifles Regiment. He is a deceitful cunning person. She came in contact with him through Facebook since 2019 and allured her for marriage. He kept her with him without marriage for a long duration. She started insisting him for marriage. He put



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off the matter on one pretext or the other. Ultimately, he executed document of live-in relationship. Sister of accused No. 1 lived in neighbourhood. She interfered in her life. On 16.02.2022, she was given beating. She came to her father's house but nobody came to bring her back. Ultimately, matter was reported to police and Surender Kumar was arrested. He was released on 12.04.2023 and apologized. He told her that he was in Army and his job was in danger. He again assured to perform marriage with her. He further assured that he will transfer house and a shop in her name. Instead of getting married, on 16.07.2022, he got prepared a live-in relationship document. Said criminal case was taken back. Accused did not transfer the house and shop in her name. He only got prepared an affidavit and agreement and same was handed over to her. Thereafter, in February 2023, he asked her to give Rs. 20 lacs belonging to her father to buy a house where they could live peacefully. In February 2023, accused went back for his duty and told her on phone to give Rs. 20 lacs to one Surender Jain for buying a house. Accordingly, she gave money to Surender Jain. Till date neither accused has purchased the house nor returned her money. During this period, she became pregnant. In September 2022, she went to hospital for check up but a fight took place. She was given beating. She was again turned out of the house and she came to her parental house. She disclosed about her health condition to her sister-in-law who sent her a medicine. After consuming that medicine, she suffered miscarriage. Again on 19.08.2023, she was turned out of the house and thereafter, matter was reported to police, on the basis of which present FIR has been registered.



3. Learned counsel for petitioner argued that allegations levelled against petitioner are false. Even earlier with similar allegations, she got registered FIR No. 797 dated 08.10.2021 at Police Station Barwala, District Hisar (Annexure P-1). In said case, cancellation report was filed, which is Annexure P-2. She again got registered another FIR No. 194 dated 18.02.2022 in which prosecutrix had turned hostile and he was accordingly acquitted. Copy of judgment dated 14.02.2023 is Annexure P-3. On similar set of allegations, present FIR has been registered, which is Annexure P-4. Prosecutrix decided to stay with him knowing fully well the facts and circumstances. Allegations of rape on the false pretext of marriage are wrong and denied. Petitioner and prosecutrix developed liking for each other and they decided to stay together. Allegations of beating or causing miscarriage by giving her some medicine are also denied. Medical report of Doctor is Annexure P-6. Without proper appreciation of the facts of case, his bail application is wrongly declined by the trial Court. Earlier he had filed regular bai petition bearing CRM-M No. 60530 of 2023, which was again declined on 07.03.2024 (Annexure P-9). Now statement of victim has been recorded, which is Annexure P-8. He is behind the bars for last one and a half years. He will abide by terms of bail order. Therefore, his 2nd regular bail petition may be allowed.

4. Bail petition is opposed by learned counsel representing State. Allegations detailed in FIR are confirmed. It is alleged that petitioner was arrested in this case on 16.09.2023 and till date, he is behind the bars. Investigation was completed and challan was presented in Court on 08.12.2023. Out of 19 prosecution witnesses, 03 prosecution witnesses



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have been examined. Petitioner is involved in several other criminal cases detailed in para No. 11 of status report. There are allegations of rape and taking away of Rs. 20 lacs belonging to prosecutrix. Allegations are serious. Therefore, his 2nd regular bail petition may be declined.

5. I have considered the arguments and have gone through the record carefully. Petitioner is behind the bars since 16.09.2023. Copy of statement of prosecutrix recorded as PW-1 is Annexure P-8. As per status report, till date prosecution has examined 03 witnesses. Earlier, regular bail petition filed by petitioner was declined by this Court vide order dated 07.03.2024 (Annexure P-9). At present, statement of victim is completely recorded on 16.01.2025 (Annexure P-8). Therefore, now there is no apprehension that petitioner can influence the prosecutrix in any manner. Trial in this case may take long time. Therefore, without going into the merits of case, regular bail petition filed by petitioner – Surender Kumar is allowed. 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.

04.04.2025

*lalit***(AMARJOT BHATTI)
JUDGE**

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