

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

2025:PHHC:021684



217

CRM-M-49705-2024 (O&M)

Date of decision: 14.02.2025

Aakash @ Akash

...Petitioner

V/s

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Shubham Kaushik, Advocate for the petitioner.

Mr. Naveen S. Bhardwaj, Addl. AG, Haryana.

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 483 of BNSS, 2023 for grant of regular bail to the petitioner in case bearing FIR No.18 dated 09.01.2024 registered for the offences punishable under Sections 323, 354-D, 376(2)(n), 406, 452, 506 IPC at Police Station Hisar City, District Hisar

2. The case set up in the FIR in question (as set out by the petitioner in the present petition) is as follows:-

“The situation of the case is such that on 09.01.2024, Manu Rani, resident of Jagseer, Rata Kheda Tohana, Fatehabad has come to the present police station and

presented a written complaint that I Manu Rani wife of Jasjir resident of village Ratta Khera, Tohana, Fatehabad, that I was staff nurse in the Salini Hospital, in the year 2021. That one boy named Akash used to drive the doctors car, got acquainted with him. Even after joining Sangam Hospital, in December, 2022, Akash kept calling her repeatedly. He kept harassing me and he kept following me and threatened to kill me just to meet me and also threatened to kill me if I told anything to anyone, he used to take all my salary himself and blackmail me to meet with him. Felling said, I came to Sarvesh Hospital, Hisar in December, 2023 and here also he come back and started beating me and the then on January, 5, 2024 he beat me against the wall in Housing Board No. 252. He came from my room and after beating me, he forcefully had physical relation with me on January, 5 around 6:30 PM., he entered in PRO, OP in Sarvesh Hospital, Hisar and started quarrelling with me there. After which he took me off duty. When I started going to my room, he threatened me and call me to Civil Hospital, and after calling me there, he asked me to remove my earring and when I refused he started beating me and then I went to my room. Even before this, he has took my gold ring and this morning on 09.01.2024 I was in my room I got a call from Saroj she said that there are three people asking for you and they called me again and again I called and inquired, then I went to the Hospital at 11:00 in Morning there was three persons whose names are Akash son of Subhash, Mobile No. 7988220621 ward No. 11, Basti Tohana, 2. Kuldeep Singh son of Pola Ram, Dashmesh Nagar, Chander Kalan, Tohana, 74048-97011. 3 Rajbir son of Saudhu Ram, Chikanwas and a call came from another Number and he was calling as SHO I am speaking from Siwani whose Mobile Number 8685945184. Akash had called my husband Jasjir and threatened to kill him if he do not give Rs. 30,000/- and

today when I reached the hospital he snatched my phone and took with him. When I asked him to go he did not go, he said that took kill me. After that I told everything at Home and Akash is blackmailing me for the last four years and saying that I will make the photos and video viral of our physical relationship. She became acquainted with him. She got hired at Sangam Hospital in December 2022, even then Akash kept calling her repeatedly and nagging her. He kept stalking me and threatened to kill me just to meet me and also threatened to kill me if I told anything to anyone. He used to take all my salary himself and black mailed me and tortured me. Through this, I was admitted to Sarvesh Hospital, Hisar in December 2023. Came here and here also he came back. I felt angry and started beating him and on 5th January 2024, in my room no. in Housing Board. in 252. He came to my room after beating me and forcefully assaulted me. On January 5, around 6.30 pm, entered in Sarvesh Hospital and there, he started talking to me and after that he started talking to me. When I was off duty and went to my room, he threatened me. Called the civil hospital and after calling me there he told me that he had asked me to remove the ear ring Then he hit me and then I avoided it and went to my room. Before this also he had taken my sleeping bag and this morning on 09/01/2024 I was in the room and the hospital staff came to me every day. Said that three people are asking about you in the hospital and then they also asked her repeatedly, then I went to the hospital at 11 in the morning, these three people were in my name. Akash with mobile no 7988220621 Ward No 11 Basti Tohana 2 Kuldeep S/O Pola Ram Dasmesh Nagar Chandad Kala Bana 7404897011, 3 Raj Kumar S/O Sadharam Chikanwas and a call came from another number, keep calling me. In S.H.O. I am speaking from Sewani whose MOB NO is 8685945184.

Akash has contacted my husband Jagseer and had called and asked for 30 thousand rupees and threatened to kill me if I did not give it. And today when I was in the hospital and got wet, he snatched my phone and asked me to go with him, when I did not get it he said that after having sex with Oduga, I said this. Told everything to the house and has been black mailing me for the last 4 years. I will make the photo and video of your physical relationship viral, which is based on the content of the complaint.”

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 10.01.2024. Learned counsel for the petitioner further argued that the challan in the case in hand was presented on 09.04.2024 and thereafter, charges were framed on 09.10.2024, but no prosecution witness has been examined till date. Learned counsel for the petitioner has further argued that the first bail application was dismissed as withdrawn on 23.07.2024, thereafter, in pursuance to an order passed by the trial Court under Section 91 of Cr.P.C., 1973, the petitioner has been able to obtain the record, which indicates that the petitioner/victim were going to the hotel on consensual basis for about 19 times. Learned Counsel for the petitioner has further iterated that the case in hand pertains to one and consensual relationship which has become strained and it is on this account the petitioner has been falsely implicated in the case.

4. Counsel for the State 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 regular bail.

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

6. The petitioner was arrested on 10.01.2024 & thereafter investigation was carried out and challan was presented on 09.04.2024 wherein total 21 witnesses have been cited, out of which only one has been examined till date. The rival contentions of the learned counsel for the parties give rise to the debatable issues which shall be gone into during the course of the trial. Nothing tangible has been brought forward to indicate the likelihood of the appellant absconding from the process of justice or interfering with the remaining prosecution evidence.

Inevitably, the petition in hand preferred on behalf of the petitioner for grant of regular bail is the second one. The first petition preferred on behalf of the petitioner came to be withdrawn on 23.07.2024, which reads thus:

“1.Learned counsel for the petitioner seeks to withdraw the present petitioner at this stage.

2.Dismissed as withdrawn at this stage.

3. Pending application(s), if any, shall also stand disposed off.”

7. Keeping in view the extended custody of the petitioner since 23.07.2024; no prosecution evidence has been led since then; as also the reliance placed by the petitioner upon the hotel records obtained on his behalf by way of an application filed under Section 91 of Cr.P.C., 1973 before the trial Court, which impetus to the positive consideration of the present petition. As per the custody certificate dated 21.01.2025 filed by the learned State counsel, the petitioner has suffered incarceration for one year, 10 days & is not shown to be involved in any other case.

8. Accordingly, keeping in view the entirety and totality of facts and circumstances of the case; this Court proceeds to consider favourably the plea for grant of bail to the appellant, since as per the custody certificate there is no other case pending against the petitioner. Suffice to say, the further detention of the petitioner in custody is not required in the facts and circumstances of the case. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the learned 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.

9. 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.

10. Ordered accordingly.

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

12. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

February 14, 2025

Naveen

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No