



IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

223

CRM-M-11616-2024 (O&M)  
Date of decision: 31.07.2024

YOGESH BHATIA

...Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Keshav Pratap Singh, Advocate with  
Mr. Sarfaraz Gill, Advocate  
for the petitioner.

Mr. Kirpal Singh Thakur, AAG, Haryana.

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HARPREET KAUR JEEWAN, J.

1. The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.493 dated 03.12.2023 under Sections 354D(1), 366, 452, 506, 511, 34 IPC registered at Police Station Bhuna, District Fatehabad.
2. Custody certificate dated 30.07.2024 has been filed on behalf of the respondent-State, which is taken on record. As per the custody certificate, the petitioner has undergone 07 months and 23 days of actual custody.
3. Status report dated 25.04.2024 by way of an affidavit of Jagdish Kumar, HPS, Deputy Superintendent of Police, Bhuna, Fatehabad along with copy of statement under Section 164 Cr.P.C. (Annexure R-1), disclosure statement of the petitioner (Annexure R-2) and custody certificate (Annexure R-3) filed on



behalf of the respondent-State are taken on record.

4. As per the prosecution case, the present FIR was registered at the instance of the father of the prosecutrix with the allegations that the petitioner had stalked, induced his daughter to marry him and also threatened to kill her as well as her family members.

5. Learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in this case and he is in custody since 07.12.2023. He further contends that both the petitioner and the prosecutrix were major and there was a relationship *inter se* them. Now, the prosecutrix has got married. However, the brother and mother of the victim have appeared during the trial and they have not supported the prosecution version. Their statements have been recorded on 08.07.2024 and copy of the said statements are submitted in the Court today, which are taken on record. He submits that even the petitioner had sustained 07 injuries as per the medical report and photographs (Annexures P-2 and P-3). Investigation is complete and final report under Section 173 Cr.P.C. has been presented before the trial Court. The petitioner is ready to face trial. He further submits that the trial is going to take time to conclude, as such, prayer for releasing the petitioner on bail has been made.

6. On the other hand, learned State counsel has opposed the bail petition on the ground of gravity of allegations against the petitioner. As per the status report, final report under Section 173 Cr.P.C. was filed before the trial Court on 05.02.2024. There are total 18 prosecution witnesses and only 2 witnesses have been examined so far. As per the custody certificate, there is no history of other cases against the petitioner.

7. I have considered the aforesaid contentions and perused the paper-



book.

8. Investigation is complete and the final report under Section 173 of the Code of Criminal Procedure has been presented before the trial Court. As per the custody certificate, there is no history of other cases against the petitioner. The petitioner is in custody for 07 months and 23 days. Statements of the material witnesses have already been recorded and they have not supported the prosecution version. There are total 18 prosecution witnesses, out of which only 2 witnesses have been examined, as such conclusion of the trial is going to take time.

9. In view of the above, the petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing adequate bonds and surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

10. However, it is made clear that nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.

11. Pending miscellaneous application (s), if any, shall also stand disposed of.

(HARPREET KAUR JEEWAN )  
JUDGE

31.07.2024  
P.Bhatt

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |