

CRM-M-27368-2015

[1]

In the High Court of Punjab and Haryana at Chandigarh.

CRM-M-27368-2015

Date of Decision:21.08.2015

Kuldeep

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. K.S. Dhaliwal, Advocate,
for the petitioner.

Ms. Gaganpreet Kaur, AAG, Haryana.

SABINA, J.

Petitioner has filed this petition under Section 439 of Code of Criminal Procedure, 1973 for grant of regular bail in FIR No.249 dated 14.04.2015 under Sections 363, 366 and 376 Indian Penal Code, 1860 registered at Police Station City, Jind, District Jind.

Prosecution story, in brief, is that prosecutrix had been repeatedly raped by the petitioner by threatening her.

Learned counsel for the petitioner has submitted that in fact prosecutrix was a student of B.Tech 1st year and was aged about 18/19 years, whereas the petitioner was student of B.Tech 2nd year and was aged about 20 years. In

fact, the petitioner and the prosecutrix were in a relationship and when the mother of the prosecutrix came to know about the same, he had been falsely involved in this case. Petitioner is in custody since 18.04.2015. Learned counsel has also placed reliance on messages (Annexure P-2) exchanged between the prosecutrix and the petitioner.

Learned State counsel, on the other hand, has opposed the petition.

In the present case, the prosecutrix has alleged that she had been taken on the motorcycle by the petitioner on 31.03.2015, 13.04.2015 and 19.04.2015 and he had committed the offence of rape. She has further stated that after sometime, she received a call from her mother and had not attended the same. Then, her mother reached the college and took her home. Thereafter, she told the entire occurrence to her mother.

Admittedly, the petitioner and the prosecutrix are studying in the same college. Annexure P-2 are the messages exchanged between the petitioner and the prosecutrix.

In view of the facts and circumstance of the present case, it would be just and expedient to order the release of the petitioner on bail.

Accordingly, without expressing any opinion on the merits of the case, this petition is allowed. Petitioner be

admitted to bail subject to the satisfaction of Chief Judicial
Magistrate, Jind.

August 21, 2015
kapil

(SABINA)
JUDGE