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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-37709 of 2015

Date of decision: November 17, 2015

Sandeep

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Vijay Singh Kajla, Advocate
for the petitioner.

Ms. Dimple Jain, AAG Haryana.

SABINA, J

Petitioner has filed this petition under Section 439 of the Code of Criminal Procedure, 1973 seeking regular bail in FIR No.334 dated 03.06.2015, under Sections 376-D, 366, 506 of Indian Penal Code, 1860, registered at Police Station Ratia, District Fatehabad.

Prosecution story, in brief, is that on 02.06.2015, prosecutrix was taken away by the petitioner and his co-accused from her house after intoxicating her. Prosecutrix regained her consciousness on 03.06.2015. Prosecutrix was raped by the petitioner while she was in semi-conscious state. Petitioner had threatened to kill the prosecutrix and her parents and had pressurised her to perform marriage with him and she was taken to Delhi. Signatures of the prosecutrix were obtained on blank papers. On 05.06.2015, prosecutrix was brought to Barwala by the accused and on seeing the police party, accused fled away.

Learned counsel for the petitioner has submitted that the petitioner is in custody since 06.06.2015. In fact, petitioner

and prosecutrix were in love with each other and had performed marriage against the wishes of the parents of the prosecutrix. Due to this reason, petitioner has been falsely involved in this case.

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

Prosecutrix has been examined during trial. A perusal of the statement of the prosecutrix Annexure P-1 reveals that she had admitted the genuineness of the photographs taken at the time of marriage ceremony performed in temple of the prosecutrix with the petitioner. She has further admitted that from the temple, she had gone to the hotel with the petitioner. Although, the prosecutrix has stated that she had been threatened by the accused but in the facts and circumstances 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 merits on the case, this petition is allowed. Petitioner be admitted to bail, subject to the satisfaction of the Chief Judicial Magistrate, Fatehabad.

**(SABINA)
JUDGE**

November 17, 2015
mahavir