

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

CRM-M- 41828 of 2015

Date of Decision: December 22, 2015

Amit

....Petitioner

Versus

State of Haryana.

.....Respondent

CORAM: HON'BLE MR.JUSTICE RAJAN GUPTA

Present: Mr. Aditya Sanghi, Advocate
for the petitioner.

Mr.Gaurav Dhir, DAG, Haryana

Rajan Gupta, J (Oral)

This is a petition under Section 439 Cr.P.C seeking regular bail in a case vide FIR No. 168 dated 1.8.2015 registered against the petitioner under Sections 366, 376 IPC at Police Station, Siwani, District Bhiwani.

Allegation against the petitioner is that he enticed prosecutrix-Jyoti and promised to marry her. In her statement recorded under Section 164 Cr.P.C, prosecutrix stated that she had love affair with Amit. They went to various places such as Hisar, Amritsar, Jammu, Pune etc. Later petitioner refused to marry with her. She thus alleged that she has been subjected to rape.

Stand of counsel for the petitioner is that she accompanied the petitioner by her own free will. Petitioner is in custody since 15.8.2015. Prosecutrix has not deposed before the trial court despite having been summoned.

Learned State counsel has opposed the plea. He submits that

allegations against the petitioner are serious.

However, keeping in view the fact that petitioner is incarcerated since 15.8.2015 and stand of the petitioner is prosecutrix accompanied him of her own free will, I am of the considered view that no useful purpose would be served by detaining the petitioner any longer. Trial may take long time to conclude. Thus, without expressing any opinion on the merits of the case, this petition is allowed and the petitioner is directed to be released on bail to the satisfaction of Chief Judicial Magistrate/ Duty Magistrate, Bhiwani.

(Rajan Gupta)
Judge

December 22, 2015
BB