

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

**Crl. Misc. No.M-13930 of 2017 (O&M)
Date of Decision: August 02, 2017.**

Ravinder @ Ravi

.....PETITIONER(s).

VERSUS

State of Haryana

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Surinder Avinash Sharma, Advocate for
Mr. Robert Kanwar, Advocate
for the petitioner (s).

Mr. A.K. Chahal, D.A.G. Haryana.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 53 dated 03.09.2016 registered for the offences punishable under Sections 376, 354-D of Indian Penal Code(for short-IPC) at Police Station Women Rohtak.

Heard.

FIR in this case was registered on 03.09.2016 on the complaint of prosecutrix, wherein she had stated that in the year 2014 she developed friendship with petitioner, who promised to marry her and she got swayed by his promise. Petitioner developed physical relation with her in a hotel on Delhi by-pass. In 2015, she got married but the petitioner kept on harassing

her and having indecent talks with her. The police after investigation presented challan for the offences punishable under Sections 376 and 354 IPC.

Learned State counsel submits that after the presentation of challan, the prosecution has examined 15 out of 17 witnesses but the prosecutrix has not been examined so far.

On going through the allegations in the FIR, I find that prosecutrix had developed physical relations with the petitioner in the year 2014 and this FIR was registered about two years thereafter. As to whether it was a consent case or what is the effect of delay in reporting the matter to the police, is a fact to be seen by the trial Court. Petitioner was arrested in this case on 19.09.2016 and is facing trial after the presentation of challan on 08.11.2016.

Keeping in view the above facts but without expressing any opinion on merits of the case, the present petition is allowed. Petitioner Ravinder @ Ravi is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

- a. The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- b. In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.

c. He shall not leave the country without the prior permission of the Court.

August 02, 2017
Sachin M.

(SURINDER GUPTA)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes/No</i>
<i>Whether Reportable:</i>	<i>Yes/No</i>