

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

CRM-M No. 2023 of 2017(O&M)
Date of decision: 27.1.2017

Mandeep Sheoran

....Petitioner

VERSUS

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Sumit Sangwan, Advocate for the petitioner.

Mr. G.S. Salwara, DAG, Haryana.

Mr. Arvind Chauhan, Advocate for the complainant.

REKHA MITTAL, J.(Oral)

The petitioner prays for grant of regular bail in FIR No.42 dated 17.07.2016 registered with Police Station Women Jind, District Jind for offence punishable under Sections 376(2)(n), 506 of the Indian Penal Code, 1860 (in short 'IPC') (offence under Section 306 IPC added later).

Counsel for the petitioner has submitted that as per the allegations raised by the prosecutrix, she was working as a Teacher in Shiv Shakti Nursing Centre and the petitioner happened to be Director of the said Centre. The petitioner developed physical relationship with the prosecutrix for the past more than one year before she recorded the FIR as she was admitted in the hospital on account of consuming some poison but later she passed away due to consumption of poison. It is further submitted that prosecutrix knew fully well that the petitioner was married, thus having a family but still did not object to physical relationship for a period of more than one year, sufficient to presume that it was all consented. It is further submitted that the petitioner is in custody since 21.07.2016 and is ready to face the proceedings, in accordance with law, without any default.

Counsel for the respondent-State assisted by counsel for the complainant has submitted that in view of gravity of allegations coupled with that material witnesses are yet to be examined, the petitioner is not entitled to be released on bail.

I have heard counsel for the parties, perused the paper-book and the police records.

As per the allegations levelled by the prosecutrix, the prosecutrix and the accused had physical relationship for the first time in May 2015 and she never complained of the said relationship till she consumed some poison and was admitted in the hospital. Admittedly, on completion of investigation, challan has been presented in the Court. Conclusion of the trial is likely to take its own time. The prosecutrix is no more available for her examination in the Court and evidentiary value of her statement recorded under Section 164 of the Code of Criminal Procedure, 1973 would be appreciated at an appropriate stage of the proceedings. Without commenting upon merits of the case, petitioner shall be released on bail subject to furnishing bail bonds to the satisfaction of the trial Court. However, he shall abide by the following conditions:-

- (i) he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of the case so as to dissuade him/her from disclosing such facts to the Court;
- (ii) he shall not leave India without previous permission of the Court.

JANUARY 27, 2017
'D. Gulati'

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned	:	yes/no
Whether reportable	:	yes/no