

CRM-M-26726-2018 (O&M)  
Date of Decision : 15.12.2018

Karan Sachdeva

.....Petitioner

versus

State of Haryana

....Respondent

**CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH****Present:** Mr. Ashit Malik, Advocate  
for the petitioner.Mr. Baljinder Singh Virk, DAG, Haryana  
for the respondent-State.Ms. Ratna Aggarwal, Advocate  
for the complainant.**FATEH DEEP SINGH, J. (ORAL)**

This order shall dispose off first regular bail application under Section 439 Cr.P.C of accused/petitioner-Karan Sachdeva in a case bearing FIR No.122 dated 13.04.2018 filed under Section 376 of the Indian Penal Code registered at Police Station Murthal, District Sonapat.

The present case has been got registered by the prosecutrix who is an unmarried girl aged on 24 years wherein she alleged that since the year 2015, she was in a relationship with the petitioner and on account of which they have developed physical relationship throughout this period and that the accused/petitioner has refused to marry her in the year 2018 leading to

the registration of the present case in which the petitioner was arrested on 25.04.2018.

Learned counsel for the petitioner submits that as per the own allegations of the prosecutrix, she is a grown-up mature lady and had volunteered into this relationship for a long period of time spanning around three years and has placed on record the photographs of the couple to hammer home the point that it was a consensual relationship and neither deceit nor any fraud was committed.

The learned State counsel, assisted by ASI Munisha as well as counsel for the complainant has sought to oppose the grant of bail on the ground that even if it was a consensual relationship, the petitioner is not entitled to any relief and that it was the refusal of the boy's side as his parents were adamant on the stand of not marrying the girl and thus, clearly offence under Section 376 is made out.

Appreciating the submissions of the two sides, the own stand of the 24 years' old girl shows that she volunteered into this relationship and it was a consensual one during the period of three years and the photographs are suggestive itself to this fact. Admittedly, the petitioner is behind the bars for almost 08 months and thus, a debatable issue having been arisen over the veracity of the allegations which can only be adjudicated by the learned Trial Court. Thus, culpability, if any, shall be determined at the trial, this Court is of the opinion that no useful purpose would be served by further detaining the petitioner in custody who is under incarceration since a long time. Accordingly, he is ordered to be released on regular bail to the satisfaction of the Chief Judicial

Magistrate/Duty Magistrate/Illaqa Magistrate of the Court concerned.

Nothing observed herein will affect the case on merits.

The petition stands disposed off accordingly.

15.12.2018

*Neha*

(FATEH DEEP SINGH)  
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No