

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

CRM-M No.42405 of 2017

Date of Decision: January 17, 2018

Ajit

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. V. P. Sangwan, Advocate
for the petitioner.

Mr. Ashok S. Chaudhary, Addl, A.G., Haryana
for the respondent-State.

Mr. Rakesh Nehra, Advocate
for the complainant.

LISA GILL J. (ORAL)

The petitioner seeks the concession of bail pending trial in FIR No.042 dated 24.05.2017 under Sections 313, 323, 354, 376, 346(2) N, 120-B IPC (later on added Sections 302, 120-B, 34 IPC), registered at Police Station Women Police Bhiwani, District Bhiwani.

It is submitted that the petitioner has been falsely implicated in this case. The complainant is a mature person aged 32 years. Though any kind of relationship with the victim/prosecutrix is denied, it is submitted that even if the allegations in the FIR are accepted, the relationship was entirely consensual. It is specifically mentioned in the FIR that the victim got acquainted with the petitioner on 27.08.2016 while travelling in a bus from Bahadurgarh to Delhi. Telephone numbers are stated to have been exchanged. Perusal of the FIR shows that the

victim was very well aware of the marital status of the petitioner, at least in November 2016. The present FIR has been registered on 24.05.2017. It is argued that there is an unexplained delay in filing of this FIR. Allegations regarding forcible termination of pregnancy are not substantiated by any evidence on record. Moreover, the complainant has since testified before the learned trial Court. The petitioner is not involved in any other criminal case. It is thus prayed that this petition be allowed.

Learned counsel for the complainant has vehemently opposed this petition while submitting that the victim was allured by the petitioner and subjected to physical relations on false assurance of marriage. Specific allegations regarding termination of her pregnancy have been raised by the victim. However, it is not denied that the victim knew the petitioner since August 2016.

Copy of the statement of the victim before the learned trial Court, filed in the Court today is taken on record subject to just exceptions.

Heard learned counsel for the parties.

Learned counsel for the State on instructions from ASI Babita verifies that the petitioner is not involved in any other criminal case. The victim in this case has since testified before the learned trial Court. There are no allegations that the petitioner is likely to abscond or that he is likely to dissuade the witnesses from deposing true facts in Court, if released on bail.

Keeping in view the facts and circumstances as above but without commenting upon or expressing any opinion on the merits of the

case, this petition filed by petitioner-Ajit is allowed. The petitioner be released on bail pending trial subject to his furnishing requisite bail bonds and surety to the satisfaction of the learned Trial Court/Duty Magistrate.

None of the observations made hereinabove shall be construed to be a reflection on the merits of the case and shall have no bearing on trial.

The petitioner shall not try to contact the victim, her family members or any of the witnesses, directly or indirectly in any manner. Any such infraction in this regard may entail cancellation of his bail.

(LISA GILL)
JUDGE

January 17, 2018

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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No