

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-44126 of 2018
Date of decision : October 11, 2018

Kuldeep

....Petitioner

versus

State of Haryana

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. S.K.Verma, Advocate, for the petitioner

Mr. Munish Sharma, AAG, Haryana for the State

Fateh Deep Singh, J. (Oral)

This order shall dispose of first regular bail under Section 439 Cr.P.C. of petitioner Kuldeep who is in custody since 24.2.2018.

The allegations against the petitioner that have been brought to the notice of this Court by learned State counsel on instructions from ASI Ram Niwas, Police Station City, Kaithal are that the prosecutrix who is aged around 23 years was in a relationship with the petitioner and during the course of the same, the prosecutrix alleges that the petitioner has ravished her on 14/15 occasions. However, due to social stigma, she did not report the matter and that

on 29.11.2017 the accused along with co-accused Ankesh had physically assaulted the prosecutrix and her mother and even forcibly tress-passed into their house by breaking open the door leading to the registration of the present case.

Mr. S.K.Verma, counsel for the petitioner has argued that it was a pure counter blast to the earlier FIR got registered by the petitioner bearing FIR No. 529 dated 29.11.2017, under Sections 148, 149, 323, 452, 506 IPC Police Station City Kaithal, proceedings of which are pending against the prosecutrix and her mother and that no such occurrence has taken place though accepts the fact that the prosecutrix and the petitioner were in the process of getting engaged to each other.

The arguments of the two sides whereby the learned State counsel has sought to fairly concede the fact that the parties were in relationship prior to this occurrence and there is case of version and subsequent cross-version against each other as the relationship having gone sour. Admittedly, the prosecutrix is a grown up lady with literate background and that it appears to be more of case of revenge whereby each of the parties are trying to take revenge by one means or the other. The own case of the prosecutrix that she was ravished for 14/15 times six months prior to the registration of the FIR and kept mum and consequently the

relationship on becoming sour, has taken the shape of rape.

Having regard to the fact that the petitioner is in custody since 24.2.2018 and the trial is not likely to be concluded in near future, no purpose will be served by retaining the petitioner in custody. Accordingly, he is ordered to be released on regular bail to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, Kaithal.

The present petition stands disposed off accordingly.

The observations made herein above shall not be binding on the trial court at the time of trial as these are purely for the disposal of the present bail application.

October 11, 2018
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(Fateh Deep Singh)
Judge

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