

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

CRM-M-44790 of 2018

Date of Decision: October 15, 2018

Anil

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Munish Kumar Garg, Advocate
for the petitioner.

Mr. Munish Sharma, AAG, Haryana.

FATEH DEEP SINGH, J.

The allegations against the petitioner in this regular bail application under Section 439 Cr.P.C are that the prosecutrix (D.O.B. 10.02.1999) was introduced to the petitioner by a lady of her neighbourhood in the year 2014 and it is alleged that thereafter, the girl and boy used to carry on conversation on telephone and in the year 2014 the prosecutrix was ravaged for the first time and, thereafter, were in a relationship till 2017. It is alleged that in between the prosecutrix had sexual relationship with the petitioner on ten occasions leading to registration of the present case when this relationship went sour and the accused had disclosed her relationship to the family of the boy by whom the prosecutrix got engaged.

Learned counsel for the petitioner submits that the petitioner happens to be 18 years of age when the FIR was got registered on 22.12.2017 and that the allegations at first instance relate to year 2014 and that the petitioner is behind the bars since long time and being a pure

simplicitor consensual relationship between the boy and girl and that the very culpability under the provision of Section 376 IPC is not made out.

Learned State counsel squarely accepts the factual scenario but has opposed the grant of bail on the grounds that the trial of the case is underway. Though, accepts that the prosecutrix in her testimony has already resiled from her stand.

Appreciating the submissions of the two sides, the prima facie allegations and the fact that FIR has been lodged in the year 2017 after three years puts a big question mark over the very truthfulness and veracity of the allegations. At that point of time the prosecutrix was admittedly a major and that couple has been in a relationship for a long period of time conversing with each other on telephone and in between having rendezvous on various occasions and that the petitioner is behind the bars from almost six and a half years. That culpability if any, shall be determined at the time of trial and that the trial is not likely to be concluded in near future and no useful purpose would be served by keeping the petitioner behind the bars, without adverting anything on the merits of the case, the present petition for grant of regular bail is allowed. Petitioner be admitted to bail to the satisfaction of the trial Court.

(FATEH DEEP SINGH)
JUDGE

October 15, 2018
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No