

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

**Criminal Misc. No. M-46581 of 2018**  
**Date of decision : October 26, 2018**

Ritesh Kumar

....Petitioner

versus

State of Haryana

....Respondent

**Coram: Hon'ble Mr. Justice Fateh Deep Singh**

Present : Mr. P.S.Ahluwalia, Advocate, for the petitioner  
Mr. Munish Sharma, AAG, Haryana for the State with  
SI Raj Kumar, PS Women, Faridabad  
Mr. BS Tewatia, Advocate, for the complainant

**Fateh Deep Singh, J. (Oral)**

Mr. B.S.Tewatia, Advocate has appeared and filed power of attorney to assist the learned State counsel.

The allegations against petitioner-accused Ritesh Kumar in this first regular bail application under Section 439 Cr.P.C. in case bearing FIR No. 83 dated 31.8.2018, registered at Police Station Women, Sector 16-A, Faridabad got lodged by the prosecutrix aged around 38 years with grown up children, a widow as well as a divorcee are that on the asking of her friend Raman, the prosecutrix approached the petitioner to enable her to get job in the month of July, 2018 and it is alleged that the petitioner had administered some

intoxicant in the cold drink and on its consumption had felled unconscious and thereafter was ravished by the accused. It is further alleged by the prosecutrix that the petitioner had promised her for a marriage and both of them kept roaming about and there had been multiple instances of physical relations inter-se between them and over a time the petitioner had been promising to marry the prosecutrix but subsequently on 28.8.2018 flatly refused to do so leading to the registration of the present case and arrest of the petitioner on 31.8.2018.

Mr. P.S.Ahluwalia, learned counsel for the petitioner submits that the prosecutrix is grown up lady mature enough with major children from previous two marriages one of which ended in a divorce and as is the allegations she has been roaming freely with the petitioner and there was consensual relationship and when the same had gone sour has led to the registration of the present case and has sought to highlight that she is a chronic litigant and had got registered two FIRs against the previous husbands and is also involved in immoral trafficking cases and that the entire story is a concoction with a view to fleece the petitioner of his money.

On behalf of the State assisted by counsel for the complainant the bail application is sought to be opposed on the ground of deception having played and seriousness of the allegations

and that if allowed bail, the petitioner would influence the witnesses.

Going through the submissions, the own stand of the prosecutrix at the court in her statement under Section 164 Cr.P.C. she claims that it was consensual relationship between the two. Admittedly there has been repeatedly physical relations between the prosecutrix and the petitioner but both are grown up persons able to understand the consequences of their acts and for a period of almost two months had been carrying on with each other. The petitioner is behind the bars since almost two and a half months and that the investigations are already completed together with her dithering stand over the allegations and the trial is not likely to be concluded in the near future and the culpability, if any, shall be determined at the time of trial. Accordingly, he is ordered to be released on regular bail to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, Faridabad.

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 26, 2018**  
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**( Fateh Deep Singh )**  
**Judge**

*Whether speaking/reasoned ?*  
*Whether Reportable ?*

*Yes/No*  
*Yes/No*