

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

CRM-M-48608-2018 (O&M)

Date of Decision: December 17, 2018

Sajjan Kumar alias Sonu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Pardeep Goyal, Advocate
for the petitioner.

Ms. Gaganpreet Kaur, AAG, Haryana.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.216 dated 29.04.2018, under Sections 376, 506 of Indian Penal Code, registered at Police Station SGM Nagar (Sanjay Gandhi Memorial Nagar) District Faridabad.

Learned counsel for the petitioner contends that the petitioner herein was taken into custody in the aforesaid FIR on 06.09.2018. It is submitted that the petitioner has been falsely implicated in the present case. It is also contended that the statement of the prosecutrix has been recorded wherein she has admitted that the relationship between the petitioner herein and the prosecutrix was established with her own consent and, therefore the allegations made under Section 376 IPC are not borne out and that the

conclusion of trial will take sufficient time, therefore, the petitioner is entitled to be enlarged on bail.

Per contra, learned counsel appearing on behalf of respondent-State, on instructions from the Investigating Officer, oppose the grant of regular bail to the petitioner, while submitting that offences alleged against the petitioner are serious in nature, however, she does not dispute the fact that the statement of the prosecutrix has been recorded wherein she has admitted that the relationship was made with her consent and that out of total 14 witnesses, the statement of material witnesses have been recorded.

I have heard learned counsel for the parties.

Since, the trial is likely to take some time and in view of the facts that that the petitioner herein has been in custody since 06.09.2018 and that the statement of the prosecutrix has been recorded wherein she has admitted that the relationship between the petitioner herein and the prosecutrix was established with her own consent and no act of rape was committed upon her, no useful purpose would be served in keeping the petitioner behind bars. At this stage, without expressing any opinion on the merits of the case, the instant petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal bond and surety bond to the satisfaction of concerned trial Court/Duty Magistrate.

December 17, 2018

seema

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No