

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

CRM-M No.49953 of 2018

Date of decision: 20th November, 2018

Shahnawaz Khan

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. F.A. Wani, Advocate with
Mr. Vaibhav Narang, Advocate for the petitioner.

Mr. Munish Sharma, Asstt. Advocate General, Haryana
for the respondent/State.

FATEH DEEP SINGH, J. (ORAL)

Allegations against the petitioner Shahnawaz Khan in this first regular bail application filed under Section 439 Cr.P.C. in case FIR No.336 dated 08.04.2018 registered at Police Station DLF Phase II, Gurugram under Sections 376, 384, 506, 509 IPC and Sections 66E, 67, 67A of the IT Act, are that the petitioner and the prosecutrix, the latter aged around 27 years unmarried girl, came into contact with each other in the year 2015 and developed intimate relationship and it is alleged that on the pretext of marriage, the petitioner had been carrying on physical relations with the prosecutrix and subsequently, on his refusal to tie the nuptial knot present case has been filed leading to arrest of the petitioner on 08.04.2018.

Learned counsel for the petitioner Mr. F.A. Wani, Advocate contends that the prosecutrix is a grown-up matured lady and had consensual relationship with the petitioner and merely on denial of entering into the wedlock by the petitioner, present case has been got

registered on fabricated pleas and that there is no medical to support the case of the prosecutrix.

Learned State counsel assisted by ASI Arjun Singh, Police Station DLF Phase II, Gurugram, has sought to argue that it was by means of deception, the prosecutrix was taken in by the accused petitioner to satisfy his physical lust and in view of the seriousness of allegations does not entail him to any relief.

Going through the submissions of the two sides, admittedly the prosecutrix at the time of this offence was aged around 27 years and thus, mature in age and mental make-up. It is her own case that since 2015 she was in a relationship with the petitioner and thus, a debatable issue having arisen as to the allegations of rape on false pretences. Culpability, if any, shall be determined at the trial and the petitioner is behind bars since more than seven months. Investigations and the trial will take a long time to conclude. In view thereof, this Court is of the opinion that further detention of the petitioner in the present case is unwarranted. Accordingly, he is ordered to be released on regular bail subject to his furnishing personal bonds in the sum of Rs.2.00 lacs with two local sureties each of the like amount to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Gurugram.

The petition stands disposed off accordingly.

(FATEH DEEP SINGH)
JUDGE

November 20, 2018

rps

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No