

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

CRM-M No.51695 of 2018
Date of decision: 29th November, 2018

Harjeet Singh

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Viney Saini, Advocate for the petitioner.

Mr. Baljinder S. Virk, Dy. Advocate General, Haryana
for the respondent/State.

FATEH DEEP SINGH, J. (ORAL)

Allegations against the petitioner Harjeet Singh in this first regular bail application under Section 439 Cr.P.C. in case bearing FIR No.181 dated 30.07.2018 under Sections 366, 376, 506 IPC and Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 pertaining to Police Station Sadar, District Ambala, are as follows:-

The prosecutrix, a divorcee aged around 32 years, daughter of the complainant, eloped with the petitioner, the latter a married man, on two occasions and upon the second incident on 06.07.2018 her father lodged the present case on 30.07.2018 and as a consequence of which the girl was got recovered from Amritsar on 09.08.2018 and who, in her statement made under Section 164 Cr.P.C. before the learned Judicial

Magistrate 1st Class (Annexure P1) on 10.08.2018 had implicated the petitioner for having ravaged her with an ulterior motive of performing marriage with her, leading to arrest of the petitioner on 11.08.2018.

Learned counsel for the petitioner Mr. Viney Saini, Advocate submits that the petitioner though is a married man but it was a consensual relationship and eloping by the prosecutrix on two occasions is in itself suggestive of the same and the medical evidence does not support the case of the prosecution of allegations of rape.

On behalf of the State, Mr. Baljinder Singh Virk, Dy. Advocate General, Haryana on instructions from ASI Naresh, Police Station Sadar Ambala, has sought to oppose the grant of bail on the grounds of heinousness of the offence and seriousness of allegations, contending that if allowed bail the petitioner would influence the witnesses at the trial.

Going through the submissions of the two sides, the own story of the prosecutrix as divulged in her statement made under Section 164 Cr.P.C. is illustrative of her consensual relationship with the petitioner over a long period of time. There is no medical to support her case of having been ravaged against her wishes by the petitioner. The prosecutrix is a grown up lady, able to understand the very affairs of this world. The petitioner is behind bars since almost three-and-a-half months. The investigations and trial are not likely to be concluded in the near future and culpability, if any, shall be determined at the trial. In view

thereof, this Court is of the opinion that no useful purpose will be served by keeping the petitioner in custody in the present case. Accordingly, he is ordered to be released on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Ambala. However, it is made clear that anything observed herein shall not be construed as an expression on the merits of the case.

The petition stands disposed off accordingly.

(FATEH DEEP SINGH)
JUDGE

November 29, 2018
rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No