

231.

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

CRM-M-3012-2019

Date of decision: 19.08.2019

AJAY KUMAR

... Petitioner

versus

STATE OF HARYANA

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. R.S. Mamli, Advocate,
for the petitioner.

Ms. Gaganpreet Kaur, AAG, Haryana.

Mr. Vikas Bishnoi, Advocate,
for the complainant.

HARI PAL VERMA, J. (Oral)

Prayer in the present petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner, pending trial, in case FIR No.213 dated 09.07.2018 registered under Sections 346, 376(2)(n), 365, 34 of IPC at Police Station Bhuna, District Fatehabad.

The aforesaid FIR was registered at the behest of Sham Sunder who is uncle of the prosecutrix. As per the FIR on 09.07.2018 at about 1.00 PM, the prosecutrix ran away from home without telling anybody. The allegation against the petitioner is that he repeatedly raped the prosecutrix on the pretext of marrying her. The prosecutrix in her statement under Section 164 Cr.P.C. has stated that the petitioner has asked her to come along with Sandeep and Swaran along with whom she left her home to marry the petitioner. When they reached Bikaner, the prosecutrix has called

the petitioner who refused to come and marry her. The petitioner is in custody since 13.08.2018.

Counsel for the petitioner states that the physical relations between the parties, if any, were consensual in nature and the petitioner is still ready to marry her.

At this stage, counsel for the complainant has not accepted this offer.

Learned State counsel, on instructions from ASI Krishan Kumar, does not dispute the custody.

I have heard learned counsel for the parties.

Petitioner is in custody since 13.08.2018 and the trial in the case will take sufficient long time. The culpability of the petitioner is yet to be established during the course of trial. Thus, this Court deems it appropriate to admit the petitioner on bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of trial Court.

The observations made hereinabove shall not be construed as an expression on the merits of the case and the trial court shall decide the case on the basis of available material.

(HARI PAL VERMA)
JUDGE

19.08.2019
sanjeev

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