

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

**CRM-M No.18326 of 2019**  
Date of decision: 30<sup>th</sup> April, 2019

Sandeep

... Petitioner

Versus

State of Haryana

... Respondent

**CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH**

Present: Mr. Raj Kapoor Malik, Advocate for the petitioner.  
Mr. Amrik Narwal, Dy. Advocate General, Haryana  
for the respondent/State.

**FATEH DEEP SINGH, J. (ORAL)**

Allegations against the petitioner Sandeep in this first regular bail application under Section 439 Cr.P.C. in case bearing FIR No.40 dated 31.07.2018 under Sections 376, 506 IPC and Sections 3(1)(w), 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (Amendment 2015) pertaining to Police Station Women, District Kaithal have been levelled by complainant, a married lady, aged more than 30 years with three kids. In her allegations, she alleges that the accused petitioner was her acquaintance and often used to meet her and during the course of events, almost three years prior to the registration of the present case, the couple had entered into physical relationship. The complainant alleges that the same was on account of false promise of the accused to undergo marriage with her that she has

been submitting herself to his physical needs, leading to registration of the present case and arrest of the accused on 07.08.2018.

Learned counsel for the petitioner Mr. Raj Kapoor Malik contends that the prosecutrix is a grown up lady, married, with kids and admittedly as per the allegations was in a relationship for almost three years and therefore being a consensual one and the fact that the petitioner is behind bars for more than nine months and thus, prayed for grant of relief.

On behalf of the State, Mr. Amrik Narwal, Dy. Advocate General, Haryana on instructions from ASI Manita, Police Station Women, District Kaithal squarely accepts the facts canvassed before this Court by learned counsel for the petitioner, but has sought to stoutly oppose the grant of bail on the grounds of heinousness of the offence for which the petitioner has been hauled up and sought to apprehend that if allowed bail the petitioner might influence the witnesses.

Appreciating the arguments of the two sides, the own stand of the complainant that she was married, having three kids and had been into this physical relationship with the petitioner for more than three years. Thus, a debatable issue arises over the applicability of Section 376 IPC and Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 which can only be adjudicated upon at the time of trial. The petitioner is behind bars since a long time. In view thereof and the fact that the trial will take a long time to conclude,

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, Kaithal. 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

April 30, 2019

*rps*

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |