

CRM-M-22583-2019

Date of Decision : 22.05.2019

Bittu Soni

.....Petitioner

versus

State of Haryana

....Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH**Present:** Mr. R.S. Mamli, Advocate
for the petitioner.Mr. Amrik Narwal, DAG, Haryana
for the respondent-State.**FATEH DEEP SINGH, J. (ORAL)**

This order shall dispose off first regular bail application under Section 439 Cr.P.C in a case bearing FIR No.08 dated 19.01.2019 filed under Section 376 (2) (n) of the Indian Penal Code registered at Police Station Women Cell, District Fatehabad.

The allegations against accused/petitioner-Bittu Soni have been levelled by a married lady, aged around 32 years, mother of two kids. In her complaint, the complainant alleges that during the course of interaction, she came in contact with the petitioner and both of them have developed intimacy and on the representation of the petitioner that he was willing to

marry her after she secures divorce from her husband, the petitioner violated her on two occasions and thereafter, refused to marry her leading to the registration of the present FIR.

Learned counsel for the petitioner, at the very onset, submits that parties have effected a settlement and even in her statement under Section 164 (5) of the Cr.P.C. , she has not supported the prosecution story and being two grown up and mature persons being in a relationship, the element of consensual relationship has come about.

The learned State counsel, on instructions from ASI Kanta, Police Station Women Cell, District Fatehabad, does not displace the facts that has been canvassed before this Court by learned counsel for the petitioner but has sought to oppose the grant of bail on the grounds of seriousness of the allegations.

Appreciating the submissions of the two sides, the petitioner is behind the bars since 10.02.2019 for almost 3 ½ months. Both the petitioner and the complainant are grown up married persons and the stand of the complainant in her statement under Section 164 Cr.P.C. is illustrative of the futility of the case. This Court without feeling the necessity to further advert on the merits of the case, else it might prejudice the case of the either party at the trial and keeping in view the fact that the petitioner is behind the bars since long, and the culpability, if any, of the petitioner shall be determined at the trial, this Court is of the opinion that it would serve no useful purpose to further detain the petitioner in custody. Accordingly, he is ordered to be released on regular bail to the satisfaction of the Chief Judicial

Magistrate/Duty Magistrate/Illaqa Magistrate of the Court concerned.

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.

22.05.2019

Neha

(FATEH DEEP SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No