

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

CRM-M No.51351 of 2018
Date of decision: 7th January, 2019

Sachin Pandey

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. G.S. Salana, Advocate for the petitioner.

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

Ms. Bhupinder Kaur, Advocate for
Mr. Sanjeev Kodan, Advocate for the complainant.

FATEH DEEP SINGH, J. (ORAL)

Allegations against the petitioner Sachin Pandey in this first regular bail application under Section 439 Cr.P.C. in case bearing FIR No.67 dated 18.09.2018 under Sections 376(2)(n), 506, 509, 323 IPC pertaining to Police Station DLF Phase-III, Gurugram, have been levelled by an un-married girl aged around 21 years wherein she alleged that she came in contact with the accused in the month of August 2016 and subsequently have developed intimacy and it is alleged that on the assurance of the petitioner, the complainant claims that she succumbed to his physical needs and they carried on their physical relations for almost two years, which resulted in registration of the present case on

18.09.2018 when the petitioner is alleged to have refused to marry the complainant leading to arrest of the petitioner on 23.09.2018.

Learned counsel for the petitioner Mr. G.S. Salana, Advocate submits that the complainant as well as the petitioner are grown-up mature persons and it was a consensual relationship between the parties and there is no element of any deceit or fraud and that the petitioner is behind bars since a long time and has sought to project that even the prosecutrix in her statement before the trial Court has resiled as compromise has already been effected.

On behalf of the State, Mr. Baljinder Singh Virk, Dy. Advocate General, Haryana has opposed the grant of bail on the grounds of heinousness of the offence and seriousness of allegations. Learned counsel representing the complainant Ms. Bhupinder Kaur, Advocate does not dispute that the parties have effected a compromise and does not oppose grant of bail.

Appreciating the submissions of the two sides, admittedly the complainant and the petitioner are grown-up mature persons and had been in a relationship for more than two years. As per the allegations of the complainant, she has consented to this consensual physical relationship between the two and thus, the element of deceit and fraud are matters of evidence. The petitioner is in custody since a long time. Culpability, if any, shall be determined at the trial which is not likely to conclude in the near future. 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, Gurugram. However, it is made clear that anything observed herein shall not be construed as an expression on merits of the case.

The petition stands disposed off accordingly.

(FATEH DEEP SINGH)
JUDGE

January 7, 2019
rps

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