

CRM-M-24341-2019
Date of Decision : 29.08.2019

Amrinder alias NeendaPetitioner

Versus

State of Haryana Respondent

CORAM : HON'BLE MR. JUSTICE HARI PAL VERMA

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

Ms.Gaganpreet Kaur, AAG, Haryana.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 439 Cr.P.C. is for the grant of regular bail to the petitioner in case bearing FIR No.08 dated 07.02.2019, registered under sections 376(2)(n) IPC and Section 3(1)(w) of SC & ST Act, at Police Station Women Dabwali.

Learned counsel for the petitioner has argued that the petitioner is in custody since 11.02.2019 and despite being granted opportunity to depose in the case, the prosecutrix has not been examined though her examination was fixed for 24.07.2019 and even for today i.e. 29.08.2019. As per FIR, earlier the marriage of the prosecutrix was solemnised with Rakesh son of Om Parkash. A decree of divorce has been granted and thereafter she got acquaintance with the petitioner where physical relations were established and they started residing in live-in relationship. Out of their cohabitation the complainant is pregnant and the petitioner has refused to marry her and is not owning the paternity of the child who is yet to be

born. He is having continuous physical relations with the prosecutrix for the last about two years but now refused to marry her. Counsel states that the complainant is a mature lady and the relations between the parties were consensual in nature.

Learned counsel for the petitioner has relied upon a decision of the Apex Court in **Pramod Suryabhan Pawar vs. The State of Maharashtra and another, Criminal Appeal No. 1165 of 2019 decided on 21.08.2019.**

Learned State counsel, on instructions from, ASI Virpal Kaur, states that the prosecutrix has made clear allegations against the petitioner that on the pretext of marriage he established physical relations with her and out of this cohabitation she conceived from the petitioner and now she is in advance stage of her pregnancy.

Heard learned counsel for the parties.

The petitioner is in custody since 11.02.2019. The prosecutrix is a mature lady and her earlier marriage with Rakesh was solemnised in the year 2016 and thereafter decree of divorce has been granted. As submitted by learned State counsel, the prosecution has cited as many as 18 witnesses and only one witness has been examined so far. In this manner the trial is likely to take sufficient time. Having regard to the judgment passed by the Apex Court in Pramod Suryabhan Pawar's case(supra) this Court finds that the culpability of the petitioner in the crime is yet to be established by the prosecution. Accordingly, this Court finds that the petitioner deserves to be admitted on bail.

Therefore, the present petition is allowed and the petitioner is

ordered to be released on bail on his furnishing adequate bail and surety bonds to the satisfaction of learned trial Court.

However, it is made clear that in case the petitioner influences the prosecution witnesses in any manner directly or indirectly, the prosecution shall be at liberty to seek cancellation of his bail.

The observations made hereinabove shall not be construed as an expression of opinion on the merits of the case and the trial Court shall decide the case without being influenced with these observations in any manner.

(HARI PAL VERMA)
JUDGE

29.08.2019
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No