

CRM-M-27092-2019 (O&M)
Date of Decision : 27.08.2019

Rajesh @ Sonu

.....Petitioner

versus

State of Haryana

....Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH**Present:** Mr. S.S. Verma, Advocate
for the petitioner.Mr. Baljinder Singh Virk, 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.25 dated 05.04.2019 filed under Sections 120-B, 323, 376, 384 & 506 of the Indian Penal Code registered at Women Police Station, Kurukshetra.

The allegations against accused/petitioner-Rajesh @ Sonu have been levelled by the complainant, a married literate lady, aged around 26 years. In her complaint, the complainant alleges that she is related to the accused and during the course of her childhood,

the accused was desirous of entering into a wedlock with her to which she did not agree and in spite of intervention of the close relatives, things did not materialise as per the wishes and desires of the petitioner. It is during April, 2017 and thereafter, from 16th November, 2018 to 22nd November, 2018, the accused had assaulted and defiled against her wishes leading to the registration of the present case on 05.04.2019.

Learned counsel for the petitioner has argued that the petitioner and the complainant were in a relationship over a long period of time and have been conversing with each other on social media and it is after the relations went sour, the present case has been registered in which the petitioner is behind the bars since long time.

On behalf of the State, the learned State counsel, assisted by ASI Kiran, has admitted the facts as have been enumerated by learned counsel for the petitioner but has opposed the grant of relief on the grounds of heinousness of the offences.

Appreciating the submissions of the two sides, the own admission of the complainant that she is literate, grown-up married woman and the alleged occurrences having taken place few years prior to the registration of the present case, the basis of the medical report, a debatable issue arises over the applicability of Section 376 of the Indian Penal Code. The petitioner is behind the bars since long time, thus, culpability, if any, 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/Ilalaqa Magistrate of the Court concerned.

The petition stands disposed off accordingly.

27.08.2019
Neha

(FATEH DEEP SINGH)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No