

CRM-M-28566-2019

Date of Decision : 11.09.2019

Sanjeev

.....Petitioner

versus

State of Haryana

....Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH**Present:** Mr. D.S. Dhindsa, 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.161 dated 22.04.2019 filed under Sections 354-B, 376, 511 and 452 of the Indian Penal Code registered at Police Station Kurukshetra University, Kurukshetra.

The allegations against the accused/petitioner-Sanjeev have come about by a married lady, aged around 24 years, alleging

that on 21.04.2019, at night, while she was sleeping in the house alone and her husband has gone to the fields, the accused/petitioner trespassed into the house and defiled her leading to the registration of the present case and arrest of the accused/petitioner on 22.04.2019.

Learned counsel for the petitioner *inter alia* contends that the prosecutrix and the accused were in a relationship and has sought to take reliance on the photographs placed on the record as Annexure P-3 arguing that the petitioner is behind the bars and the trial is not likely to be concluded in the near future.

On behalf of the State, the learned State counsel, assisted by ASI Gulzar Singh, Police Station Kurukshetra University, Kurukshetra, though has not displaced the averments of learned counsel for the petitioner but has opposed the grant of bail on the grounds of heinousness of the offences.

Be that as it may, the prosecutrix, admittedly, is a grown up married lady and the petitioner happens to be a young boy and the photographs placed on the record is reflective of the consensual relationship and without feeling necessity to further advert on to the merits of the case, its a fit case for grant of bail to the petitioner. Accordingly, the petition is allowed and the petitioner is ordered to be released on regular bail to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate/Ilqa Magistrate of the Court concerned.

The petition stands disposed off accordingly.

11.09.2019

Neha

(FATEH DEEP SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No