

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

**CRM M-33006 of 2019
Date of Decision: August 16, 2019**

Kuldeep

.....Petitioner

Versus

State of Haryana

.... Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present : Mr. Rakesh Nehra, Advocate
for the petitioner.

Mr. Amrik Narwal, DAG, Haryana.

FATEH DEEP SINGH, J. (Oral)

This order shall dispose off first regular bail application under Section 439 Cr.P.C. moved in FIR No. 59 dated 30.05.2019 under Sections 376 2(N), 354-D, 506 IPC, 3(1)(W)(1), 3(2)(V) SC/ST Act 1989 registered at Polcie Station Women, Jhajjar, District Jhajjar.

The precise allegations have been levelled by unmarried lady aged around 29 years alleging that she came in contact with the accused and became friend around 1 ½ years prior to the registration of the present case and which led to their physical intimacy. The complainant alleges that the accused on the pretext of marriage had defiled her at various places including hotels and when he failed to enter into a wedlock, the present case was got registered and the accused arrested on 20.06.2019.

Mr. Nehra, learned counsel for the petitioner, *inter alia* contends that the complainant is a grown up mature lady and has admittedly been in this relationship over a long period of time and when the relations have gone sour, the present case is got registered.

Mr. Amrik Narwal, DAG, Haryana assisted by SI Satbir Singh concedes to the facts that have been brought to the notice of this Court by the counsel for the petitioner who has opposed the grant of bail on the ground that the accused had committed fraud with unmarried girl. It is argued that the

petitioner might influence the trial.

Going through the submissions admittedly the complainant is a major grown up girl and has volunteered into this relationship over a long period of time. Thus, a debatable issue arises over the very applicability of offence under Section 377 IPC, which can only be adjudicated at the time of the trial. Thus, this Court is of the opinion that it is a fit case for grant of bail. Accordingly, the petitioner is ordered to be released on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, concerned.

However, it is made clear that anything observed herein shall not be construed as an expression on the merits of the case.

Disposed off.

August 16, 2019

amit rana

(FATEH DEEP SINGH)**JUDGE**

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No