

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

CRM M-36855 of 2019

Date of Decision: November 15, 2019

Ankur

.....Petitioner

Versus

State of Haryana

.... Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present : Mr. Balraj Gujjar, Advocate
for the petitioner.

Mr. Amrik Narwal, DAG, Haryana.

FATEH DEEP SINGH, J. (Oral)

This order shall dispose off regular bail application under Section 439 Cr.P.C. moved in FIR No. 65 dated 04.04.2019 under Sections 376, 452 and 506 IPC registered at Police Station IMT Rohtak.

The allegations against petitioner Ankur young boy aged around 21 years have been levelled by a married lady aged 24 years and a co-villager alleging that on 04.04.2019, the accused had accosted her in the area for tethering the buffaloes and defiled her against her wishes. It is, thereafter, the accused

had given a mobile phone to the prosecutrix to facilitate interaction between them and it is on the basis of the same, the present FIR was registered.

Learned counsel for the petitioner *inter alia* contends that the petitioner is behind the bars since 05.04.2019 and there is no medical evidence to corroborate the allegations and it is a pure simplicitor consensual relationship of the unmarried boy with the married lady and which has gone sour leading to registration of false allegations that have come about.

Mr. Amrik Narwal, DAG, Haryana assisted by SI Bhoop Singh has stoutly opposed the grant of the bail on the ground of seriousness of the allegations but fairly concedes that neither there is any medical evidence nor corroborative evidence to establish the offence of rape.

Be so as it may, the allegations are only oral one and the claim of the petitioner side that it was a consensual relationship sought to be projected with the details of the mobile phone conversation that has taken place between the accused and the prosecutrix and, thus, a debatable issue arises over the applicability of offence under Section 376 IPC, which can only be adjudicated at the time of final disposal 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.

November 15, 2019
amit rana

(FATEH DEEP SINGH)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No