

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-37657 of 2019 (O&M)
Date of decision : September 11, 2019

Rakesh Kumar

....Petitioner

versus

State of Haryana

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Devender Singh, Advocate, for the petitioner
Mr. Amrik Narwal, DAG Haryana for the State

Fateh Deep Singh, J. (Oral)

The allegations against accused-petitioner Rakesh Kumar in this first bail application filed in case FIR No. 121 dated 22.4.2019 under Sections 323,376(2)(n),506 IPC, Police Station Bawani Khera, Bhiwani, has come about by a deserted married lady aged around 30 years with kids. In her complaint, she alleged that she was working in Orchestra team and during the course of the same entered into relationship with the petitioner who happened to be a married person and the accused had promised to marry her

and on that pretext and promise had been physically abusing her and when the accused refused to marry her, the present case was got registered leading to the arrest of the petitioner on 22.4.2019.

Learned counsel for the petitioner submits that the own stand of the complainant shows that she was a married lady and volunteered into this consensual relationship and after the same gone sour the present case has been got registered.

Learned State counsel assisted by ASI Neelam has stoutly opposed the bail on the grounds of seriousness of offence and that if allowed bail, the petitioner may influence the trial but does not displace the facts that have been canvassed by the counsel for the petitioner.

In the light of what has been brought before this Court, the complainant happens to be a deserted married aged lady with children and volunteered into this relationship for a long period of time. Thus, the very applicability of offence under Section 376 IPC is subject matter of trial. Since the petitioner is in custody and the trial is not likely to be concluded in near future, no purpose will be served by retaining the petitioner in jail. Accordingly, he is ordered to be released on regular bail to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, Bhiwani.

The present petition stands disposed off accordingly.

The observations made herein above shall have no bearing on the merits of the case as these are purely for the disposal of the present bail application.

September 11, 2019

(Fateh Deep Singh)
Judge

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Whether speaking/reasoned ?

Yes/No

Whether Reportable ?

Yes/No