

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-39143 of 2019 (O&M)
Date of decision : December 10, 2019

Hitesh

....Petitioner

versus

State of Haryana

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Ram Bilas Gupta, Advocate, for the petitioner

Mr. Baljinder Virk, DAG, Haryana for the State

Fateh Deep Singh, J. (Oral)

In this second regular bail application by accused Ritesh, the earlier one having been dismissed by this Court vide orders dated 28.5.2019, the allegations have come about by a 20 years old unmarried girl. The complainant alleges that the accused who was known to the prosecutrix on 15.8.2018 around 2.00 PM called her to his office and on the pretext of entering into a wedlock with her defiled her. The same ploy was enacted repeatedly in span of three months and when the complainant asked for performing marriage,

the accused refused to do so and rather showed his inclination in getting married to another lady.

Learned counsel for the petitioner has sought to argue that the complainant is major and it was a consensual relationship admittedly for a period of three months. It is claimed that there is nothing suggestive that the prosecutrix has been ravaged and rather it was a consensual relationship and that the petitioner is behind the bars since a long time. Learned counsel for the petitioner has sought to place reliance on the photographs to show it to be a consensual relationship. Counsel for the petitioner has relied on **Gitesh vs State of Haryana, 2019(1) Law Herald 41**.

Learned State counsel has forcibly opposed the bail contending that though the couple was known to each other but only three months prior to the occurrence on the pretext of marriage the accused had gained the confidence of the unmarried girl and defiled her and thus insisting that such a conduct leads to the machination at the back of the mind of accused.

The earlier bail application of the petitioner was declined by this Court. The very stand of the complainant in her complaint and so her statement under Section 164 Cr.P.C. recorded by the Judicial Magistrate illustrates that it was a short span of three

months prior to the registration of the case, the accused on the assurance and representation of getting married with the complainant had violated her and it is not a case of a long term consensual relationship. The facts of the present case are at variance from the cited ratio where the relationship had been for more than one and a half years. Keeping in view how the accused-petitioner has ditched an unmarried girl on the basis of a facade of a sacrosanct relationship which has apparently left the girl devastated are matters of serious concern. This Court does not feel inclined to allow the bail. The present petition as such stands dismissed.

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.

December 10, 2019**'tiwana'****(Fateh Deep Singh)
Judge***Whether speaking/reasoned ?**Yes/No**Whether Reportable ?**Yes/No*