

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

**CRM-M No.40118 of 2019 (O&M)
Date of decision : November 19, 2019**

Sahil

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Sandeep Kotla, Advocate for the petitioner.

Ms. Aditi Girdhar, AAG, Haryana.

GURVINDER SINGH GILL J. (ORAL)

1. Petitioner-Sahil seeks grant of regular bail in a case registered vide FIR No.33, dated 25.04.2019, registered at Police Station Women Police Station, Fatehabad, under Sections 376(1), 450 and 506 IPC.
2. The FIR was lodged at the instance of the prosecutrix wherein it has been alleged that she is married and is having a son aged 4½ years but has been residing separately from her husband Gurpreet Singh. It is alleged that on 20.04.2019 when she was alone in her house then the petitioner came to her house and while issuing threat to her committed rape upon her. It is further stated that they were, however, having a cordial relation with Sahil but on the day of occurrence, he had forcibly committed rape upon her.
3. Learned State counsel has today filed a report of Superintendent, Central Jail, Hisar wherein the details of the meetings of the petitioner with the prosecutrix have been furnished as per which the prosecutrix had gone to jail to visit the petitioner between May, 2019 and October, 2019 on as many as 16 occasions.

4. Learned counsel for the petitioner has submitted that a false FIR has been lodged in the present case and that it is a case where the petitioner and the prosecutrix had been having consensual physical relations and in fact even after the detention of the petitioner in jail, she has continuously been visiting him in the jail.
5. Opposing the petition, learned State counsel has submitted that since specific allegation of forcible sexual intercourse has been levelled in the FIR, therefore, no case for grant of bail is made out.
6. I have considered rival submissions addressed before this Court.
7. In view of the fact that the petitioner is a matured lady and even after the alleged commission of rape, she has continuously been visiting the petitioner in jail and while also bearing in mind that the petitioner has been behind bars since last more than six months and challan already stands presented, further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and petitioner-Sahil is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

November 19, 2019

sarita

Whether speaking / reasoned :

Whether Reportable:

Yes / No

Yes / No

(GURVINDER SINGH GILL)
JUDGE