

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-44837-2019 (O&M)

Date of Decision:-29.10.2019

Sombir

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Surender Saini, Advocate for the petitioner.

Mr. Ashok Singh Choudhary, Addl. Advocate General, Haryana.

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered vide FIR No.267 dated 23.7.2019 at Police Station City Civil Line, Sonapat under Sections 354-A, 354-B, 376, 323, 506 and 34 of Indian Penal Code.
2. The FIR was lodged at the instance of the prosecutrix wherein she alleged that she was residing in her house on rent in Sonipat and that one boy namely Sombir i.e. the petitioner allured her in connivance with his mother and played with her emotions. It is alleged that he sexually harassed her and later gave beatings to her and that his mother namely Ompati, however, used to overlook the said torture being met out to her. It is further alleged that the petitioner even held out threats to eliminate the complainant and that he was also having a country made pistol.

3. The learned counsel for the petitioner has submitted that even from perusal of the FIR, it is evident that the prosecutrix was in some kind of relationship with the petitioner despite the fact that she herself is married and also having a daughter as would be evident from a complaint (Annexure P-2) filed by her against her husband under Domestic Violence Act.
4. Opposing the petition, the learned State counsel has submitted that since the petitioner has specifically named in the FIR, no case for grant of bail is made out. It has, however, been informed that the investigation has concluded and challan already stands presented.
5. Having regard to the facts and circumstances of the case and bearing in mind that the prosecutrix is a married and matured lady, it would certainly be debatable as to whether she was actually enticed or forced into having sexual relations with the petitioner or not. This Court, in any case, would refrain from making any expression at this stage. Since the investigation stands concluded and challan stands filed, further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

29.10.2019

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No