

222.

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

CRM-M-44753-2019

Date of decision: 20.11.2019

AJAY SINGH

... Petitioner

versus

STATE OF HARYANA

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. G.S. Sandhu, Advocate,
for the petitioner.

Ms. Gaganpreet Kaur, AAG, Haryana.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner, pending trial, in case FIR No.80 dated 04.08.2019 registered under Section 376(2)(n) of IPC at Police Station Women Manesar, District Gurugram.

The allegation against the petitioner is that he established physical relations with the prosecutrix on the false promise to marry her.

Counsel for the petitioner, while making reference to various WhatsApp chats, submits that the petitioner and the prosecutrix were in consensual relationship. The prosecutrix has already attained the age of majority. The petitioner is in custody since 07.08.2019.

At this stage, Mr. Tapish Kumar Gupta, Advocate, has put in appearance on behalf of complainant and filed his *vakalatnama*, which is taken on record. He has filed an affidavit of the complainant. The

complainant is also present in person. As per the affidavit, the petitioner was in friendship with her since 1 year and she does not have any objection, in case the petitioner is released on bail.

Learned State counsel has opposed the bail of the petitioner on the ground that he has committed heinous crime.

I have heard learned counsel for the parties.

Considering the fact that the petitioner is in custody since 07.08.2019 and trial is not likely to be concluded and taking note of the affidavit so filed by the complainant that she does not have any objection in case the petitioner is released on bail, this Court deems it appropriate to admit the petitioner on bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of trial Court.

The observations made hereinabove shall not be construed as an expression on the merits of the case and the trial court shall decide the case on the basis of available material.

(HARI PAL VERMA)
JUDGE

20.11.2019
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Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No