

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

**Criminal Misc. No. M-48430 of 2019 (O&M)**  
**Date of decision : November 20, 2019**

Arun

....Petitioner

versus

State of Haryana

....Respondent

**Coram: Hon'ble Mr. Justice Fateh Deep Singh**

Present : Mr. Vikas Bikshnoi, Advocate, for the petitioner

Mr. Amrik Narwal, DAG Haryana for the State with  
HC Kuldeep Singh, PS Bhuna, District Fatehabad

**Fateh Deep Singh, J. (Oral)**

Allegations in brief against petitioner Arun are that the complainant, father of a girl then aged around 18 years lodged a complaint that the daughter of the complainant went missing on 13.3.2019. Subsequent upon recovery of the girl she made a statement that during night time when she had gone to ease herself the accused forcibly took her to the house of his uncle and defiled her against her wishes and threatened her and kept her in a room in

the said house of his uncle and was thereafter rescued.

Learned counsel for the petitioner contends that the petitioner is behind the bars since a long time and the victim is a major above 18 years of age and was in consensual relation and did not support the prosecution story at the trial.

Learned State counsel has vehemently opposed the relief on the grounds that the Chemical Examiner report as well as DNA clearly point out that the remnants of semen belong to the accused and there are serious allegations of the accused having defiled the victim against her wishes.

The initial stand of the complainant shows that the girl is a major and had on her own went away from the home along with cash, banking and other documents. She was got recovered from the custody of the petitioner. Thus, a debatable issue arises over the very applicability of the offence of rape and which can only be resolved at the trial and the petitioner is behind the bars. The trial is not likely to be concluded in near future and 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, Fatehabad.

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.

November 20, 2019

( Fateh Deep Singh )  
Judge

'tiwana'

Whether speaking/reasoned ?

Whether Reportable ?

Yes/No

Yes/No