

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-49269 of 2019 (O&M)
Date of decision : November 27, 2019

Ravinder

....Petitioner

versus

State of Haryana

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Harparteek Singh Sandhu, Advocate,
for the petitioner

Mr. Amrik Narwal, DAG Haryana for the State

Fateh Deep Singh, J. (Oral)

Petitioner Ravinder who is in custody in this case bearing FIR No. 168 dated 16.7.2019 under Sections 376, 506, 34 IPC, Police Station Sector-6, Bahadurgarh District Jhajjar has sought regular bail.

The present case was got registered by unmarried girl aged around 23 years alleging that the petitioner was known to her since the last five years and in April, 2019 they both went for a

recreational tour to Shimla. It is alleged that the accused thereafter on the pretext of marriage developed physical relations with the prosecutrix and thereafter backed out of it leading to the registration of the present case.

Learned counsel for the petitioner states that the prosecution in her statement under Section 164 Cr.P.C. has not levelled any allegations against the petitioner arguing that the prosecutrix was major and has volunteered into this relationship for a long period of time and therefore, allegations of rape do not subsist.

Learned State counsel has contended that the medico legal examination including report of the Laboratory clearly corroborates the allegations of rape as semen was detected and therefore, a clear-cut case of rape on false pretence is made out against the petitioner and therefore, is not entitled to any relief.

Going through the submissions, the allegations against the petitioner are clearly suggestive how under the fraudulent misrepresentation of entering into a wedlock he has defiled an innocent girl. Though admittedly the prosecutrix is aged around 23 years but it is not the allegations of the prosecution that they were in physical relations since a long time and it was only on 22.6.2019 that

the accused enticed the prosecutrix and defiled her. The allegations are well corroborated from the medico legal documents whereby human semen has been detected. In view of the heinousness of the offence and seriousness of allegations does not calls for grant of 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.

November 27, 2019
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(Fateh Deep Singh)
Judge

Whether speaking/reasoned ?
Whether Reportable ?

Yes/No
Yes/No