

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

CRM-M No.50326 of 2019
Date of decision: 2nd December, 2019

Dilkhush

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. S.K. Tripathi, Advocate for the petitioner.

Mr. Baljinder S. Virk, Dy. Advocate General, Haryana
for the respondent/State.

FATEH DEEP SINGH, J. (ORAL)

Allegations against the petitioner Dilkhush in this first regular bail application under Section 439 Cr.P.C. in case bearing FIR No.161 dated 30.08.2019 under Sections 376/506 IPC pertaining to Women Police Station NIT Faridabad, have been levelled by an unmarried girl aged around 23 years working in a factory where the accused petitioner too is employed. It is alleged that during the course of time, the petitioner and the complainant entered into a relationship. As per the allegations, the petitioner is alleged to have defiled the complainant firstly on 14.01.2019 and the last act came about on 14.07.2019. The complainant claims that it was on the pretext of marriage, accused had been defiling her and thereafter backed out of it.

Learned counsel for the petitioner Mr. S.K. Tripathi, Advocate inter alia contends that the complainant is a grown up lady and it was a consensual relationship and when the same went sour the present

false allegations have come about and that there is no medical evidence to support the same.

On behalf of the State, Mr. Baljinder Singh Virk, Dy. Advocate General, Haryana on instructions from ASI Rajni, concedes to the factual scenario but has vehemently opposed grant of bail on the grounds of heinousness of the offence.

Appreciating the submissions of the two sides, be so as it may, as it has come before this Court the complainant prosecutrix happens to be a grown up girl and her own allegations contained in the FIR are suggestive of consensual relationship for a long period of time. Thus culpability, if any, shall be determined at the trial which is not likely to conclude in the near future. In view thereof, this Court is of the opinion that no useful purpose will be served by keeping the petitioner in custody in the present case. Accordingly, he is ordered to be released on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Faridabad. However, it is made clear that anything observed herein shall not be construed as an expression on the merits of the case.

The petition stands disposed off accordingly.

(FATEH DEEP SINGH)
JUDGE

December 2, 2019

rps

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No