

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

CRM-M-50777-2019 (O&M)
Date of Decision:-4.12.2019

Manglu ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Jarnail Singh Saneta, Advocate for the petitioner.

Ms. Aditi Girdhar, Assistant Advocate General, Haryana,
assisted by ASI Baljeet Singh.

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.447 dated 18.7.2019 at Police Station Samalkha, District Panipat under Section 376 of Indian Penal Code.
2. The FIR was lodged at the instance of the prosecutrix, wherein it has been alleged that the petitioner, while falsely representing to her that he would marry her, established physical relations with her but later she came to know that the petitioner was already married and having two children. It is thus alleged that the petitioner has deceived her and had made her pregnant while holding out a false promise of marrying her.
3. The learned counsel for the petitioner has submitted that the complainant is a matured married lady having two children and she had voluntarily been

having consensual physical relations with the petitioner, but later when there were some differences amongst them, she chose to lodge the present FIR.

4. Opposing the petition, the learned State counsel has submitted that since the petitioner had deceived the prosecutrix by concealing his marital status and had established physical relations with the prosecutrix, no case for grant of bail is made out.
5. Bearing in mind the fact that the prosecutrix is a matured married lady, it will certainly be debatable as to whether she was deceived into establishing physical relations with the petitioner or as to whether she willingly established the same. In any case, since challan already stands presented and charges are yet to be framed, further detention of the petitioner will not serve any useful purpose as conclusion of trial is likely to take some time. The petition, as such, is accepted and it is ordered that the petitioner be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

4.12.2019

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No