

CRM-M No.7674 of 2020

Date of Decision : 28.08.2020

Gurpreet Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGHPresent : Mr. D.S. Virk, Advocate
for the petitioner.

Mr. B.S. Virk, DAG, Haryana.

FATEH DEEP SINGH, J (ORAL)

The petitioner-Gurpreet Singh has filed present petition under Section 439 Cr.P.C for grant of regular bail in case FIR No.68, dated 29.08.2019, under Sections 376(2)(n) and 506 IPC, 1860 registered at Police Station Women, District Fatehabad.

The allegations against the petitioner have been levelled by a married lady, aged around 30 years with two kids. The precise allegations are that the petitioner happens to be a colleague of the prosecutrix and during the course of her duty entered into a relationship. It is contended that the petitioner promised to undergo marriage with the prosecutrix and on this score had been defiling her for two years but thereafter refused to do so leading to arrest of the petitioner on 01st September, 2019 upon registration of the case.

Learned counsel for the petitioner *inter alia* contends that the prosecutrix is a grown up matured lady and had volunteered into this relationship for a long period of time and there is no medical evidence to corroborate the allegations of rape.

Learned State counsel does not dispute the fact but has strongly opposed the grant of regular bail on the ground of seriousness of the crime.

Going through the submissions, it is duly admitted that the prosecutrix is a married matured lady with two kids. The petitioner and the prosecutrix had been in physical relationship for more than 2 years. Thus, a debatable issue arises over the applicability of the offence under Section 376(2)(n) of IPC, which can only be adjudicated at the time of trial.

Keeping in view the period of incarceration and the circumstances detailed hereinabove, it is a fit case to grant bail to the petitioner. Accordingly, he is ordered to be released on regular bail to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, concerned.

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.

(FATEH DEEP SINGH)
JUDGE

28.08.2020
Manpreet

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No