

S.No.204

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

CRM-M-13013 of 2020 (O&M)

Date of Decision:07.07.2020

HappyPetitioner

Vs.

State of U.T.Respondent

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IN VIRTUAL COURT

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CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. S.K. Singla, Advocate for the petitioner.

Rajbir Sehrawat, J.(Oral)

The present petition has been filed by the petitioner under Section 439 Cr.P.C for grant of bail pending trial in case FIR No.59 dated 18.04.2019 registered under Section 376(2), 420 IPC at Police Station Manimajra, Chandigarh.

It is contended by counsel for the petitioner that the case against the petitioner is totally fabricated. Even as per the story of the prosecutrix, she was well aware of what she was doing. The petitioner is of 26 years of age, whereas the prosecutrix is of 25 years of age. Therefore, even if the allegations of the prosecutrix are taken on the face value, still, this turns out to be a consensual affair. It is further submitted that the petitioner is in custody since 31.05.2019. Despite that, only two witnesses have been examined so far; out of 12 witnesses. Any pressure upon the prosecutrix is ruled out because the prosecutrix has already been examined as a witness before the Court.

Notice of motion.

Mr. Amit K. Goyal, APP accepts notice on behalf of the UT, Chandigarh.

Learned counsel appearing for UT, Chandigarh submits that the petitioner has specifically been named by the prosecutrix. In fact, the petitioner promised the prosecutrix to marry her and on that pretext had committed repeated rape. However, it is not disputed that the age of the prosecutrix is 25 years and that the petitioner is in custody since 31.05.2019. It is also not disputed that only two witnesses have been examined out of 12 so far.

In view of the above, but without commenting any further upon merits of the case, the present petition is allowed. It is ordered that the petitioner be released on bail on his furnishing bail bonds/ sureties to the satisfaction of the trial Court/ Duty Magistrate.

July 07, 2020
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(RAJBIR SEHRAWAT)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No