

CRM-M-14440 of 2020 (O&M)

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

CRM-M-14440 of 2020 (O&M)
Date of Decision: 24.06.2020

Sandeep Kumar

...Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present:- Mr. T.S. Attariwala, Advocate, for the petitioner.
Mr. Munish Sharma, AAG, Haryana.
Mr. M.S. Chauhan, Advocate, for the complainant.

RAMENDRA JAIN, J. (ORAL)

The case has been taken up for hearing through video conferencing.

Through instant petition under Section 439 Cr.P.C. prayer has been made for grant of regular bail to petitioner – Sandeep Kumar – in a case arising from FIR No.118 dated 19.09.2019 registered under Sections 376, 341, 506 IPC, Section 3(1)(r), 3(1)(s) and 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 at Police Station Women, Karnal, District Karnal.

According to the prosecution, petitioner committed rape upon prosecutrix without her consent on the false pretext of marrying her. He kept on doing so regularly for a quite sufficient long time. Lateron, prosecutrix came to know that petitioner was already married. When she confronted the petitioner for his marital status, he started harassing and

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threatening the prosecutrix regularly with dire consequences.

Learned counsel *inter alia* contends that in her statement before the police, prosecutrix admitted that she was having physical relations with the petitioner since last four years prior to the date of incident. Prosecutrix was major and for that reason, petitioner has not been booked under the provisions of Protection of Children from Sexual Offences Act.

On the other hand, learned State counsel vehemently opposed the grant of regular bail to the petitioner.

Considering overall facts and circumstances, but without expressing any opinion on the merits of the case, the petition is allowed. Consequently, petitioner – Sandeep Kumar – is ordered to be released on bail during pendency of trial, if not required in any other case, on his furnishing bail bonds and surety bonds to the satisfaction of Trial Court/Duty Magistrate concerned.

June 24, 2020
R.S.

(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No