

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

**CRM-M-16669-2020 (O&M)
Date of decision: 14.07.2020**

Sushil Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Sanchit Punia, Advocate,
for the petitioner.

Ms. Tanisha Peshawaria, DAG, Haryana.

Ritu Bahri, J.

This petition under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.32 dated 28.01.2020, under Sections 376 (2) (n) of IPC and Section 6 of Protection of Children from Sexual Offences Act, 2012, registered at Police Station, Narnaund, Hansi.

Learned counsel for the petitioner contends that the petitioner was having an affair with the daughter of complainant and an FIR No.359 dated 13.09.2019, under Sections 380/457 IPC was registered. However, during investigation, the allegation was found to be false. After cancellation of the said FIR, present FIR has been got registered on the same day when the marriage of the petitioner was fixed, with the allegation that he had raped the prosecutrix without her consent. Even the statement of the prosecutrix shows that she had been regularly talking with some Sushil Kumar on

Learned State counsel, on instructions, informs that after presentation of the challan, 17 witnesses are to be examined before the trial Court. Learned State counsel is not able to dispute that the earlier FIR had been found to be false.

Learned counsel for the petitioner referred to the statement given by the complainant in the earlier FIR i.e. FIR No.359 dated 13.09.2019 and stated that the allegation made therein was found to be false as the money was kept somewhere else. Learned counsel for the petitioner has sent the information on email during the course of video conferencing, which was made basis for cancellation of the FIR. A perusal of the same shows that the complainant had stated that the money was kept somewhere else and was not stolen.

Heard.

Keeping in view that the period of incarceration of the petitioner and the fact that the trial will take some time for its conclusion, this Court feels that no purpose will be served by detaining the petitioner any longer. Accordingly, this petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing of bail/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, Hisar.

14.07.2020
ajp

(RITU BAHRI)
JUDGE

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