

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

CRM-M-16922-2020

Date of decision:-19.8.2020

Chiragdeen

...Petitioner

Versus

State of Haryana

...Respondent

**CORAM: HON'BLE MR.JUSTICE H.S.MADAAN**

Present: Mr.M.S. Tiwana, Advocate  
for the petitioner.

Mr.Tanuj Sharma, AAG, Haryana.

Mr.Gurjot Singh, Advocate  
for the complainant.

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**H.S. MADAAN, J.**

Case taken up through video conferencing.

This petition for regular bail has been filed by petitioner Chiragdeen, aged about 29 years, an accused in FIR No.142 dated 1.12.2019 for the offence under Sections 376(2) (n), 506 IPC and Section 3 of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, registered with Police Station Women Cell, Sirsa.

In nutshell, the facts of the case as per the prosecution story are that, the prosecutrix aged about 33 years though had got married in the year 1999 but her marriage ran into rough weather. The couple had three

children. She was forced to leave the matrimonial home in the year 2014 and she started running a beauty parlour. She got acquainted with petitioner/accused Chiragdeen. Two of them came close to each other and on 13.6.2018, petitioner/accused established physical relations with the prosecutrix, which according to the prosecutrix were against her will and consent and rather on account of threat given by the petitioner/accused to her. As the prosecution story goes, visits of petitioner/accused to the house of prosecutrix continued and he promised to marry her after her marriage with her husband was dissolved, which as a matter of fact took place on 1.8.2019. However, the petitioner/accused did not keep that promise and started quarrelling with the prosecutrix, severing his all relations with her. Subsequently, the prosecutrix came to know that the petitioner/accused had contracted marriage with some other woman. She reported the matter to the police that petitioner/accused had exploited her by giving her false promise of marriage. Formal FIR was registered. The petitioner/accused was arrested in this case on 1.12.2019. After completion of investigation, challan has been filed. Though as stated, charge has not been framed against the petitioner/accused so far since proceedings in the trial Court have been held up on account of COVID-19 pandemic. The petitioner/accused had filed an application for regular bail in the Court of Sessions but the same was dismissed by learned Additional Sessions Judge, Special Fast Track Court, Sirsa vide order dated 2.6.2020, therefore, the petitioner has approached this Court for grant of similar relief.

Notice of the petition was given to respondent – State and

counsel representing the State has put in appearance. The complainant has also appeared through counsel.

I have heard learned counsel for the parties besides going through the record.

On the face of it, the prosecution version does not come to be very convincing. The prosecutrix being aged about 33 years and a married woman having three children, had entered into relationship with the petitioner. Though according to the prosecution story on 13.6.2018, petitioner/accused had sexual intercourse with the prosecutrix against her will and consent at her house but these contentions do not appeal to reason. The petitioner/accused going to the house of prosecutrix, establishing physical relations with her allegedly without her consent, the prosecutrix is not shown to have agitated the matter anywhere including informing the police showing that she was a consenting party. As a mature adult, she could very well understand what was good or bad for her. It is debatable as to whether the acts attributed to the petitioner/accused come within the mischief of offence of rape. However, the case is at the stage of trial and guilt of the petitioner/accused shall be determined there. The conclusion of the trial is likely to take some time. Keeping in view the totality of circumstances, I find it proper and appropriate to grant concession of regular bail to the petitioner.

Accordingly, the petition is allowed. The petitioner be admitted to bail during the pendency of the trial, subject to his furnishing bail bonds and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate, Sirsa, subject to the following conditions:

(i) he shall appear in the Court on each and every date of hearing;

(ii) he shall not give any threat or intimidation to the prosecution witnesses; and

(iii) he shall not leave India without prior permission of the Court and shall surrender his passport, if he has got one, otherwise to furnish affidavit in that regard.

In addition to that the trial Court may impose any term and condition found suitable to ensure that the petitioner does not abscond and interfere in the trial.

It may be mentioned here that nothing discussed hereinabove shall have any bearing on the merits of the case.

19.8.2020

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**Whether reasoned/speaking : Yes/No**

**Whether reportable : Yes/No**

**(H.S.MADAAN)**  
**JUDGE**