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Ajay @ Bittu

....Petitioner(s)

Versus

State of Haryana

...Respondent(s)

**CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA**

Present: Mr. R.N. Lohan, Advocate, for the petitioner.

Mr. G.S. Dhillon, AAG, Haryana.

(Proceedings are conducted through video  
conferencing as per instructions).

**G.S.SANDHAWALIA, J. (Oral)**

Present petition has been filed under Section 439 Cr.P.C., for grant of regular bail in FIR No. 298 dated 27.11.2019 under Sections 376, 506 IPC registered at Police Station Uchana, District Jind.

A perusal of the FIR would go on to show that the victim as such is married and has three children. On account of her estrangement with her husband, she was residing in the same vicinity of her father at Tohana. The present petitioner was the neighbour and had become acquainted to her. She had accompanied him alongwith her children to Village Kakrod on 19.11.2019 wherein, he allegedly committed rape on her for 3 days. The FIR was thereafter registered on 27.11.2019.

As per the statement under Section 164 Cr.P.C., there is mention that the petitioner had promised to give her a plot and bring up her children. He had admittedly abandoned her after 3 days in Kakrod, when she had called her relatives. The petitioner himself is 27 years old. She is stated to be 26 years of age as per the statement under Section 164 Cr.P.C. and it is the case of counsel for the petitioner that her date of birth is 09.01.1986 and she is around 34 years of age.

The petitioner is in custody since 15.12.2019 and the investigation is complete. None of the prosecution witnesses has been examined and the trial is likely to take considerable time and it would be a moot point as to the relationship inter se the parties and whether offence under Section 376 IPC as such is made out.

Resultantly, the present petition is allowed and the petitioner is granted bail, on his furnishing bail bonds/surety bonds, to the satisfaction of the Illaqa/Duty Magistrate, Jind.

11.08.2020  
shivani

(G.S. SANDHAWALIA)  
JUDGE

|                           |        |
|---------------------------|--------|
| Whether reasoned/speaking | Yes/No |
| Whether reportable        | Yes/No |