

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

**CRM-M-21516-2020(O&M)**

**Date of decision: - 13.08.2020**

Amit Grover

...Petitioner

Versus

State of Haryana

.....Respondent

**CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL**

Present:- Mr. J.S. Mehndiratta, Advocate for the petitioner.

Mr. Pardeep Prakash Chahar, DAG Haryana.

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**HARNARESH SINGH GILL, J. (ORAL)**

Case is taken up for hearing through video conferencing.

Petitioner has filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No. 34 dated 07.03.2020 registered under Sections 376(2)(n), 452 and 506 IPC at Police Station Women, Yamuna Nagar, District Yamuna Nagar.

Learned counsel for the petitioner states that the age of the petitioner and the prosecutrix are 30 years and 27 years respectively. Both, being friends for the last three years, had established corporeal relations. Even, the petitioner used to visit the house of the prosecutrix and vice-versa. They went together to Mussoorie and thus, it was a love affair between the two adults. He further states that even as per the FIR, betrothal ceremony was performed in a hotel on 15.04.2019. Though the petitioner and

prosecutrix, had decided to marry, yet on account of some temperamental differences, the marriage could not be solemnized. It is, thus, contended that the instant case is of a consensual relationship between the two adults. In support of his assertions, he relies upon the judgment of the Hon'ble Supreme Court in 'Pramod Suryabhan Pawar Vs. State of Maharashtra and another' (2019) 9 SCC 608.

On the other hand, learned State counsel has argued that there are specific and serious allegations against the accused and prosecutrix in her statement recorded under Section 164 Cr.P.C., has supported her initial allegations levelled in the FIR, as after the ring ceremony performed on 15.04.2019, the petitioner had promised that marriage would be solemnized in the month of November/December. The petitioner entered the house of the prosecutrix on 06.05.2019 and against her wishes, committed wrong act. Later, on 02.02.2020, the petitioner totally refused to marry.

Learned State counsel further states that the challan in the present case has been presented and charge is yet to be framed and as per Challan, 12 witnesses are to be examined.

I have heard the learned counsel for the petitioner and learned State counsel.

The prosecutrix in the present case is a major, educated and had understanding of the consequences of the acts of developing physical intimacy before marriage. Both, the petitioner and the prosecutrix, have not denied that they had physical relationship and even as per the FIR, both are of age of discretion with long standing affair.

Moreover, the petitioner and the prosecutrix met regularly,

travelled upto Mussoorie, resided in each others' house on multiple occasions, engaged in sexual intercourse regularly over the course of three years and, as per the FIR, the petitioner continued to extend one excuse or the other and did not perform the marriage with the prosecutrix till December-2019.

The primary contention of the prosecutrix is that the petitioner had engaged in sexual relations with her on the false promise of marrying her and she gave consent on that basis. Thus, the instant case, at the most, appears to be of promiscuity.

The petitioner has been in custody since 01.05.2020. Charges are yet to be framed, the trial will take time to conclude and no useful purpose would be served by detaining the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the petition is allowed and the petitioner is ordered to be released on regular bail to the satisfaction of the learned trial Court/Duty Magistrate.

However, the trial Court shall proceed with the matter without being influenced, in any manner, by the observations made above.

**(HARNARESH SINGH GILL)**  
**JUDGE**

**13.08.2020**

*Mangal Singh*

Whether reasoned/speaking?  
Whether reportable?

Yes/No  
Yes/No