

CRM-M-22157-2020

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

(PROCEEDINGS THROUGH V.C.)

CRM-M-22157-2020

Date of Decision: August 14th, 2020

Sonu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present Mr. Jai Bhagwan Sharma, Advocate for the petitioner.

Ms. Tanisha Peshawaria, DAG, Haryana.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court for grant of regular bail by filing this petition under Section 439 of the Code of Criminal Procedure, 1973, in FIR No.188, dated 03.10.2019, registered at Women Police Station Ballabgarh, District Faridabad, under Sections 376 (2) (n), 506 of the Indian Penal Code.

Counsel for the petitioner, referring to the FIR, submits that the prosecutrix and the petitioner were in live-in relationship because they have a daughter born out of the said relationship, who is aged three years and three months and residing with the complainant. It is with an intention to force the petitioner to marry with the prosecutrix that the present FIR has been registered. Petitioner was arrested in this case on 08.11.2019 and is in custody since then. The prosecutrix is not coming forward to depose despiteailable warrants issued by the trial Court against her. He contends that the trial is not likely to conclude in near future as out of the total 17

prosecution witnesses, only six have been examined and therefore, concession of regular bail be granted to the petitioner.

On the other hand, learned counsel for the State submits that the offence stood committed so far as the commission thereof is concerned when the petitioner had entered into physical relationship with the prosecutrix by giving her false promise of marriage. She, however, could not dispute the factual aspects as has been pointed out by the learned counsel for the petitioner as the same is apparent from the FIR.

Having considered the submissions made by the learned counsel for the parties and keeping in view the factual assertions especially the prosecutrix despite being summoned on various occasions even throughailable warrants, had chosen not to appear before the trial Court for recording her statement, the trial, therefore, is being delayed. With this, the the continuation of the petitioner in custody would be uncalled for.

In view of the above, this criminal miscellaneous petition is allowed. Petitioner is ordered to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, Faridabad.

Any observation made herein-above shall have no bearing on the merits of the case during the trial in any manner.

(AUGUSTINE GEORGE MASIH)
JUDGE

August 14th, 2020
Harish

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