

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

211

CRM-M-22831-2020 (O&M)

Date of Order:19.08.2020

GAGAN ALIAS GAGANDEEP

..Petitioner

Versus

STATE OF HARYANA

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Hakam Singh, Advocate,
for the petitioner.

Mr. Chetan Sharma, AAG, Haryana

ANIL KSHETARPAL, J(Oral)

Hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

The petitioner prays for grant of bail pending trial in a criminal case arising from FIR No.57, dated 30.05.2020, registered under Section 376(2)(n)/451/506 IPC, at Police Station Women Sirsa, District Sirsa.

In a nutshell, the case of the prosecution has been noticed by the learned Additional Sessions Judge, Fast Track Special Court, Sirsa, in para 2 of the order, which is extracted as under:-

“2. Brief facts essential to adjudication in the present application are that the victim was a married woman of aged about 30 years. She had married to Pargat Singh 12 years ago and blessed with two children. However, her marriage could not work due to difference of opinion and therefore, it was dissolved in the Panchayat. In this way, nine years had lapsed while residing at her parental house. About two years ago, petitioner-accused met her and thereafter he purposed her for marriage on the premise of likelihood to obtain divorce from his wife. Thus, the victim started residing in a rented house at Prem Nagar Sirsa where the petitioner-accused started coming. He further made physical relation with her on the false promise of marriage. Thereafter, the victim asked the petitioner to perform marriage with her then

he flatly refused to marry her and further stated that he had made physical relations with her for the sake of lust. He further stated that the victim could not do any harm to him. If the victim intended to initiate any legal proceedings then he would kill her.”

It is debatable as to whether the offence under Section 376(2)(n) of the Indian Penal Code is made out or not? The allegations are that the petitioner made physical relation with the prosecutrix on the false promise of marriage.

The petitioner is in custody since 30.06.2020.

On conclusion of the investigation, the police report under Section 173 of the Code of Criminal Procedure has been filed. However, trial of the case is yet to commence.

Without commenting on the merits of the case and keeping in view the fact that the petitioner is in custody since 30.06.2020 and conclusion of the trial is likely to take time, the petitioner is directed to be released on regular bail subject to furnishing of adequate surety to the satisfaction of the trial Court/Duty Magistrate.

Accordingly, the present petition is allowed with the aforesaid directions.

August 19, 2020
nt

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

: Yes/No
: Yes/No