

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

CRM M-23466 of 2020 (O&M)

Date of Decision: August 25, 2020

Anoop		Petitioner
	Versus	
State of Haryana		 Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present : Mr. Sandeep Saini, Advocate
for the petitioner.

Mr. Baljinder Virk, DAG, Haryana.

FATEH DEEP SINGH, J. (Oral)

The matter has been taken up through video-conferencing on account of outbreak of pandemic COVID-19.

Petitioner Anoop who is in custody has come up before this Court in this first regular bail application moved under Section 439 Cr.P.C. in FIR No. 34 dated 20.03.2020 registered under Sections 376, 450 and 506 IPC at Police Station Women Police Station Jind, District Jind.

The present case has been got registered by a

widowed lady aged around 32 years alleging that her husband had expired in the year 2018 and, thereafter, she came in contact with the petitioner. The complainant claims that the accused used to interact with her and promised to maintain her and her kids and, thereafter, misused her to satisfy his physical needs but, thereafter, abandoned her leading to the registration of the present case after it is alleged by the complainant that on 17.03.2020 during night time, the accused ravaged her at her home against her wishes.

Mr. Sandeep Saini, learned counsel for the petitioner *inter alia* contends that the petitioner is behind the bars for more than 05 months. Counsel has argued that the prosecutrix and the petitioner were in a relationship over a long period of time and even on earlier occasions there had been disputes between them and had brought to the notice of this Court affidavit made in the year 2018 whereby the petitioner had withdrawn her previous similar complaint against the complainant.

Mr. Baljinder Virk, DAG, Haryana learned State counsel has not displaced the facts but has stoutly opposed the grant of the bail in view of the heinousness of the offence. Learned State counsel concedes that there is no medico legal examination corroborating the allegations of rape.

Be so as it may, admittedly, the prosecutrix is a mature widowed lady with children and had been in a

relationship with the petitioner for a long period of time. As is there in the arguments, it is consequent upon the marriage of the petitioner on 15.03.2020 with another lady, the present complaint was got registered on 19.03.2020, wherein, incident of 17th March 2020 has been shown. The learned State counsel's own stand that there is no medical evidence to show the allegations of rape and in view of these circumstances, a debatable issue arises over the applicability under Section 376 IPC which can only be adjudicated at the trial and, therefore, this Court deems it fit to allow bail. Accordingly, the petitioner is ordered to be released on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, concerned

However, it is made clear that anything observed herein shall not be construed as an expression of opinion on the merits of the case.

Disposed off accordingly.

August 25, 2020

(FATEH DEEP SINGH)

amit rana

JUDGE

Whether reasoned/speaking : Yes/No
Whether reportable : Yes/No