

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Sr. No.209

CRM-M-23773-2020

Date of decision : 1.10.2020

Deepak Gupta

..... Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Abhilaksh Grover, Advocate, for the petitioner.

Mr. Munish Sharma, AAG, Haryana.

SUDHIR MITTAL, J. (Oral)

The petitioner seeks regular bail in case FIR No.228 dated 22.5.2020, registered at Police Station Farakpur, District Yamuna Nagar, under Sections 376 (2) (N), 452 and 506 IPC.

Learned counsel for the petitioner contends that the petitioner has been in custody since the date of the registration of the FIR. The trial is not likely to be concluded at an early date as even charges have not been framed. The petitioner has been falsely implicated as is evident from the messages exchanged with the prosecutrix, which have been collectively annexed as Annexure P-2. These messages clearly show that the parties were in consensual relationship. Just because, the petitioner got married with someone else, the FIR has been registered.

Learned State counsel concedes that the charges have not yet been framed. However, he opposes the bail on the ground that a sexual relationship induced by a promise to marry amounts to rape, but does not dispute that the parties were in a relationship nor does he deny the messages annexed as Annexure P-2, collectively.

It is, thus, evident that trial is not likely to be concluded at an

early date. The relationship between the parties was consensual as is evident
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I attest to the accuracy and
authenticity of this document

from the messages collectively annexed as Annexure P-2. Whether, rape was committed or not, is a matter of trial and I would not comment thereupon. Suffice to say that the petitioner deserves to be granted bail.

Accordingly, the petition is allowed and petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

(SUDHIR MITTAL)
JUDGE

1.10.2020
Ramandeep Singh

Whether speaking / reasoned

Yes / No

Whether Reportable

Yes/ No