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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-25950 of 2020(O&M)

Date of decision : 17.09.2020

Sandeep Dass

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM: Hon'ble Mr. Justice G.S. Sandhawalia

Present:- Mr. Randeep S.Dhull, Advocate for the petitioner
Mr. Anant Kataria, DAG, Haryana.

(The proceedings have been conducted through Video
conferencing as per instructions.)

G.S. Sandhawalia, J. (Oral)

The petitioner seeks regular bail in FIR No.124 dated 19.6.2020 under Section 376(2)(n) and 506 IPC registered at Police Station, Sushant Lok, Gurugram.

Counsel for the petitioner has vehemently submits that the petitioner was arrested on 26.7.2020 and admittedly the complainant is an Advocate with whom he had come in contact. The same was on account of the fact that he had a matrimonial dispute and a petition under Section 125 Cr.P.C. was pending before the Family Court, Rajasthan (Annexure P/3).

It is submitted that from a perusal of the FIR itself it would be clear that it was a consensual relationship and they had been meeting and interacting from September, 2019. Gifts had been exchanged interse amongst each other and she had also gone to Jaipur for meeting his parents and stayed in a hotel where he had booked a room. It is submitted that allegation that she had been cheated as the petitioner was married and father of two children is an issue which would have to be examined at

trial.

It is further submitted that the investigation is complete and nothing is to be recovered from the possession of the petitioner. Considerable time shall be taken in concluding the trial as charge is yet to be framed and especially in view of the Covid-19 Pandemic and no useful purpose would now be served by further detaining the petitioner.

The Fast Track Court, Gurugram has declined the bail on 11.8.2020 (Annexure P/1) on the ground that the examination of prosecutrix is yet to be conducted and the petitioner may stifle the trial.

It is also to be noticed that the petitioner was arrested on 26.7.2020 and his anticipatory bail application bearing CRM M-20865-2020 was taken up on 29.7.2020 (Annexure P/9) by a Coordinate Bench. It had been noticed that the complainant was a matured person and the relationship was consensual. It was further noticed that it is debatable whether the offence under Section 376(2) (n) IPC is attracted and interim protection had been granted. The said petition had however become infructuous on account of the fact that he had arrested two days earlier.

In view of above facts and circumstances, this Court is of the opinion that the petitioner has undergone sufficient period of detention and he is entitled for the benefit of regular bail.

Accordingly the present petition stands allowed and the petitioner be released on regular bail to the satisfaction of the Illaqua/Duty Magistrate, Gurugram

It is made clear that the observations made herein are only for the purpose of deciding the bail application as such.

17.09.2020
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(G.S. Sandhawalia)
Judge