

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

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IN VIRTUAL COURT

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CRM-M No. 32133 of 2020 (O & M)
Date of decision : 15.10.2020

Amit **.....Petitioner**

Vs.

State of Haryana **.....Respondent**

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. R.K. Lathwal, Advocate, for the petitioner

Rajbir Sehrawat, J. (Oral)

CRM No. 25295 of 2020 :

Allowed as prayed for.

CRM-M No. 32133 of 2020 :

The present petition has been filed by the petitioner under Section 439 Cr.P.C for grant of bail pending trial in case FIR No. 20 dated 7.2.2020, registered under Sections 376, 328, 506, 201 IPC (added later on), at Police Station Women, District Sonipat.

It is submitted by the counsel for the petitioner that the case against the petitioner is totally concocted. The allegations against the petitioner is that the petitioner maintained physical relations with the complainant by promising to marry her. However, the prosecutrix is already married and is of the age of 25 years. Whereas, the petitioner is of the age of 20 years only. In fact, the complainant is habitual of making false allegations to extract money. Earlier also, she had levelled allegations against another person and subsequently, turned hostile in the matter. The petitioner is in

custody since 11.3.2020 and there is no other case against the petitioner. The investigation of the case is complete. The petitioner is not required for any investigation purposes. Hence, the petitioner be granted concession of bail.

Notice of motion.

Mr. Arun Beniwal, DAG, Haryana, accepts notice on behalf of the State.

The counsel for the State, being instructed by SI Usha, submits that the name of the petitioner is specifically mentioned in the FIR. However, it is not disputed that earlier also the prosecutrix had made a similar complaint against another person and that she had turned hostile in that case, resulting into acquittal of the alleged accused in that case. It is also not disputed that as per the investigation of the police, the prosecutrix is already married. The State has also not disputed that the petitioner is in custody since 11.3.2020; and that there is no other case against the petitioner.

In view the above, but without commenting any further on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial subject to his furnishing bail bonds/surety to the satisfaction of the Trial Court/Duty Magistrate, concerned.

(RAJBIR SEHRAWAT)
JUDGE

15.10.2020

Ashwani

Speaking/Reasoned	:	Yes/No
Reportable	:	Yes/No