

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

(Proceedings conducted through video conferencing)

CRM-M No. 33676 of 2020(O&M)

Date of decision: 6.11.2020

Sohan Lal @ Sonu

....Petitioner

VERSUS

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Bhupinder Ghai, Advocate for the petitioner.

Mr. Arun Beniwal, DAG, Haryana.

REKHA MITTAL, J.(Oral)

Sohan Lal @ Sonu, accused in FIR No.42 dated 07.07.2020 registered with Police Station Women Sector 51, Gurugram for offence punishable under Sections 376(2) (n), 354D, 406 and 506 of the Indian Penal Code, 1860, prays for grant of regular bail, pending trial.

Counsel for the petitioner would argue that there are contradictions in the statement of prosecutrix on the basis whereof FIR was registered, statement recorded under Section 164 Cr.P.C. and supplementary statement dated 21.08.2020 placed on record as Annexure P-1 to P-3 respectively. It is further argued that petitioner is 26 years old whereas the prosecutrix is 38 years old and a mother of 14 years old female child. It is argued that there is nothing on record by way of documentary evidence that either there was marital disharmony between the prosecutrix and her husband or her matrimony culminated in divorce. It is further argued that even if allegations raised in the FIR are taken on its face value,

the petitioner and prosecutrix developed physical relations for the first time on 26.10.2019 and they continued with physical relationship till February 2020. According to counsel, the allegations raised by the prosecutrix, at best, amounts to consensual physical relationship between the petitioner and the prosecutrix but there was no occasion for the petitioner to make any promise of marriage. He would further argue that during investigation, the police has taken into possession Whatsapp messages exchanged between the parties but in none of the messages, the petitioner had promised to marry the prosecutrix or developed physical relations with her on the alleged false promise of marriage. The last submission made by counsel is that petitioner is in custody since 03.09.2020 but till date neither the charge has been framed nor there is any progress in trial when otherwise the petitioner is ready to face proceedings in accordance with law.

Counsel representing State of Haryana would contest the plea for bail that in view of gravity of allegations raised by the prosecutrix, he is not entitle to bail. However, he conceded that at the behest of father of the petitioner, the police has registered FIR No.334 dated 22.10.2020 against the prosecutrix for making representation to settle the present dispute on payment of money.

Be that as it may, the prosecutrix is a married woman having female child aged about 14 years. The prosecutrix and the petitioner had allegedly developed physical relations and they had been in touch with each other through Whatsapp etc. Counsel for the State has not disputed that the prosecutrix is aged 38 years whereas the petitioner is 26 years old.

There is no progress in trial as the case is still pending for consideration on charge. The petitioner is in custody since 03.09.2020. There is no allegation that petitioner is likely to flee from the process of justice, in case enlarged on bail.

In view of the above, without meaning to express any opinion on merits of the controversy, the petitioner shall be released on bail subject to satisfaction of the trial Court/Additional Sessions Judge (on duty), Gurugram. However, he shall abide by the following conditions:-

- (i) He shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of the case so as to dissuade him/her from disclosing such facts to the Court;
- (ii) He shall not leave India without previous permission of the Court.

Disposed of accordingly.

NOVEMBER 6, 2020

‘D. Gulati’

(REKHA MITTAL)

JUDGE

Whether speaking/reasoned	:	yes/no
Whether reportable	:	yes/no