

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

CRM-M-36040-2020

Date of Decision: 10.11.2020

Sonu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. D.V.Dhindsa, Advocate, for the petitioner.

Mr. Karan Sharma, AAG, Haryana,
assisted by ASI Satyawanti.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in a case registered vide FIR No.343, dated 16.07.2019 at Police Station Shahabad, District Kurukshetra, under Sections 365, 376, 506 IPC (Sections 363, 366 IPC added later on).
2. The FIR was lodged at the instance of the prosecutrix, wherein it is alleged that the accused had taken her forcibly from her home in the month of May, 2019 on the false pretext of marrying her and had committed rape upon her. It is alleged that the accused had made physical relations with her repeatedly, but somehow she was able to escape from the clutches of the accused. It is alleged that the accused also threatened her that if she gave any statement in the police, he will kill her and her mother.
3. Learned counsel for the petitioner has submitted that he has been falsely implicated in the present case and in fact the prosecutrix had

left her home on her own accord and had solemnized marriage with him as would be evident from the photographs annexed as Annexure P-2. It has further submitted that the falsity of the case would be evident from the fact that while the incident is stated to have taken place in the month of May, 2019, the FIR came to be lodged after about 2 months.

4. Opposing the petition, learned State counsel has submitted that since there are specific and categorical allegations against the petitioner, no case for grant of bail is made out. Learned State counsel has, however, informed that the petitioner has been behind bars since for the last more than 1 year and 3 months and that as on date only 4 PWs out of cited 16 PWs have been examined.
5. I have considered rival submissions addressed before this Court. Having regard to the facts and circumstances of the case and also the age of the victim, who is nowhere stated to be a minor and that the FIR was lodged belatedly and while also noticing the fact that the petitioner has been behind bars since the last 1 year and 3 months, further detention of the petitioner will not serve any useful purpose as the trial in its normal course is likely to take some time for its conclusion. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

10.11.2020

Vimal

(GURVINDER SINGH GILL)
JUDGEWhether speaking/reasoned: **Yes/No**
Whether reportable: **Yes/No**