

CRM-M-54066-2019

Date of decision: 27.01.2020

Sunny Verma

.....Petitioner

versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH**Present:** Mr. Naveen Thakur, Advocate
for the petitioner.Mr. Deepak Manchanda, Addl.A.G., Haryana
for the respondent-State.**FATEH DEEP SINGH, J.(ORAL)**

This order shall dispose off second regular bail application (earlier one having been withdrawn on 23.10.2019) under Section 439 Cr.P.C in a case bearing FIR No.211 dated 13.06.2019 filed under Sections 376(2), 201 of the Indian Penal Code, 1860 and Sections 3(1) (w) (xii) and 3(2) (v) of the Scheduled Castes and Scheduled Tribes Act, 1989 and Section 66E of the IT Act, 2000 registered at Police Station Madhuban, District Karnal.

The present case has been got lodged by an unmarried lady aged around 28 years alleging that she and the accused/petitioner entered into a relationship and for the last 07 years, she is trying to register the present case and the accused/petitioner used to defile her against her wishes. It is further

alleged that upon such occasions, the accused used to take her objectionable photos and had been promising her with marriage but subsequently, backed out of the same, leading to the registration of the present case.

Learned counsel for the petitioner *inter alia* submits that both the petitioner and the complainant, happens to be mature grown up persons and were admittedly, in a relationship for the last 07 years and that the very allegations do not spell out it to be a case of rape and rather its a consensual one.

The learned State counsel, on instructions from Sub Inspector Kamlesh, Police Station Madhuban, District Karnal though does not differs with the facts that have been canvassed before this Court by learned counsel for the petitioner but has opposed the grant of bail on the grounds that the victim at the trial has not supported the case of prosecution and if allowed bail, he might stifle the trial.

Going through the submissions, the own stand of the complainant that she is major and aged around 27 to 28 years. Furthermore, the complainant submits that she was in this relationship for the last 07 years and, thus, in light of such peculiar circumstances, a debatable issue arises over the allegations of rape. The petitioner is behind the bars for long time and keeping in view the same and the fact that culpability, if any, shall be determined at the trial, this Court is of the opinion that it would serve no useful

purpose to further detain the petitioner in custody. Accordingly, he is ordered to be released on regular bail to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate/Illaqa Magistrate of the Court concerned.

The petition stands disposed off accordingly.

(FATEH DEEP SINGH)
JUDGE

27.01.2020
Neha

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No