

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

\*\*\*\*\*

CRM-M-343-2021 (O&M)  
Date of Decision: 11.01.2021

Ramesh

....Petitioner

Versus

State of Haryana

.....Respondent

**CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI**

Present : Mr. Abhayjeet Singh, Advocate,  
for the petitioner.

Mr. Naveen Kumar Sheoran, DAG, Haryana.

**Through Video Conferencing**

**JASGURPREET SINGH PURI, J. (Oral)**

The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in FIR No.194 dated 17.08.2020 under Section 376 and 506 of IPC, registered at Police Station Civil Lines Gurugram, Haryana.

The learned counsel for the petitioner submitted that as per the FIR, false allegations are levelled upon the petitioner by the prosecutrix that when her husband had gone out then the present petitioner had committed an act of rape upon her. He submitted that in fact the aforesaid FIR was lodged by the prosecutrix in order to save her marriage and therefore, the petitioner was falsely implicated in the present case and in fact it was a case of consent. He has submitted that when the trial began, the prosecutrix was examined as PW-1 in which she had stated vide Annexure P-3 that she had

developed physical relations with the petitioner with her own consent and free will and that the petitioner had not committed any sexual act upon her against her wishes at any point of time and thereafter, the prosecutrix was declared as hostile. He has further submitted that the petitioner is in custody since 17.08.2020 and therefore, has prayed for the grant of regular bail to the petitioner.

On the other hand, the learned State counsel has not disputed that the prosecutrix has turned hostile and she has given a statement that she had developed relations with the petitioner with her own consent.

Therefore, considering the totality of the facts and circumstances of the present, the present petition is allowed. The petitioner shall be released on bail subject to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

**(JASGURPREET SINGH PURI)**  
**JUDGE**

**11.01.2021**  
Ithlesh

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|-------------------------------|---|--------|
| Whether speaking/non-speaking | : | Yes/No |
| Whether reportable            | : | Yes/No |