

Sr.No.225

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

CRM-M-10467-2021

Date of decision:25.03.2021

Inderjeet

... Petitioner(s)

versus

State of Haryana

... Respondent(s)

Coram: Hon'ble Mr. Justice Deepak Sibal

Present: Mr. Jai Vir Yadav, Advocate
for the petitioner.
Mr. Rupinder Singh Jhand, Addl.AG, Haryana.

Deepak Sibal, J.(Oral)

The present petition has been filed under Section 439 Cr.P.C for the grant of regular bail in FIR No. 26, dated 04.02.2020 registered under Sections 376(2)(n), 506 and 201 IPC at Police Station Safidon, District Jind.

Briefly stated the case of the prosecution is that the prosecutrix and the petitioner were in a love affair; during the course of such affair, on the pretext of marriage, on two occasions the petitioner forcibly raped the prosecutrix and after that resiled from his promise of marrying her.

Learned counsel for the petitioner contends that the petitioner who is a 22 year old boy was in consensual relationship with the prosecutrix; no promise of marriage was made by him; the prosecutrix who is a 25 year old graduate was well aware of the consequences of entering into a physical

relationship especially with a boy who was three year younger to her; there is unexplained delay of 01 year and 02 months in lodging of the FIR as the first alleged incident is of 02.12.2018; there is no medical evidence to prove the allegations of rape; the petitioner has been in custody since 16.12.2020; there is no other criminal case pending against the petitioner; the report under Section 173 Cr.P.C has already been filed and therefore the petitioner is neither required for investigation purposes nor can he influence the investigation and that the petitioner's trial which is yet to begin is likely to take a long time to conclude.

Learned State counsel opposes the grant of bail to the petitioner on the ground that the petitioner has committed a heinous offence of having raped the prosecutrix on the pretext of marriage.

Whether the petitioner (aged 22 years) and the prosecutrix (aged 25 years) had a consensual physical relationship or was it on the pretext of marriage by the petitioner would be debated during the petitioner's trial. However, the petitioner is in custody since 16.12.2020; there is no other criminal case pending against him; report under Section 173 Cr.P.C has already been filed and therefore the petitioner is neither required for investigation purposes nor can he influence the investigation and the petitioner's trial which is yet to begin is likely to take a long time to conclude especially in the present circumstances when the world is facing the Covid-19 pandemic.

Keeping in view the totality of the above facts, the present case is considered to be a fit case in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the

CJM/Duty Magistrate, Jind, the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

25th March, 2021

[DEEPAK SIBAL]

Shivani Kaushik

JUDGE

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No