

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

**CRM-M No.11893 of 2021 (O&M)
Date of Decision.29.04.2021
(HEARD THROUGH VC)**

Kuldeep

...Petitioner

Vs

State of Haryana

...Respondent

CORAM:HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Ankur Lal, Advocate
for the petitioner.

Mr. Narinder Singh Behgal, AAG, Haryana.

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JAISHREE THAKUR J. (ORAL)

This is a petition that has been filed for grant of regular bail to the petitioner in case FIR No.240 dated 17.09.2020 registered under Sections 376(2) (n), 384, 452, 506, 201 and 34 IPC and Section 67 of the IT Act, 2000 at Police Station Badhra, District Charkhi Dadri.

Counsel for the petitioner herein would contend in fact the petitioner and the complainant, who is a married woman, were in a consensual relationship. In fact, a divorce petition had been filed by the husband of the complainant in which he had cited sexual relationship developed between his wife and the petitioner herein as one of the grounds for divorce. It is further argued that after the complainant and her husband reconciled their matrimonial dispute, the husband of the complainant withdrew the divorce petition, consequent to which allegations of rape came forth in the instant FIR. It is also argued that even husband of the complainant had acknowledged in the divorce petition that there is a relationship between the petitioner and his wife i.e. the complainant and

therefore, allegation of offence committed under Section 376 IPC is nothing else but an attempt of the complainant to rehabilitate in her matrimonial home. The investigation has been completed and the challan stands presented and therefore, there is very less likelihood that the petitioner herein would be in a position to influence the complainant. The trial is likely to take some time to conclude and therefore, prays for concession of bail to the petitioner.

Counsel for the respondent-State opposes grant of regular bail to the petitioner by contending that no ground is made out for grant of bail to the petitioner.

I have heard learned counsel for the parties. Keeping in view the fact that the investigation is complete and the challan stands presented and the trial is likely to take some time to conclude owing to COVID-19 pandemic, no useful purpose would be served in keeping the petitioner behind bars. The instant petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal/surety bond of Rs.1 lakh to the satisfaction of concerned trial Court/Duty Magistrate. However, any observation made herein shall not be construed to be an expression on merits of the case.

(JAISHREE THAKUR)
JUDGE

April 29, 2021
Pankaj*

Whether speaking/reasoned Yes/No

Whether reportable Yes/No