

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

CRM-M-22250-2021

Date of Decision: 17.06.2021

Mohit

...Petitioner

Vs.

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Parveen Kaushik, Advocate,
for the petitioner.

Mr. Dhruv Sihag, AAG, Haryana.

(Presence marked through Video Conference)

:-

ARUN MONGA, J. (ORAL)

Petitioner seeks regular bail in case FIR No.0007 dated 30.01.2021, registered under Sections 328, 354-(c), 376, 506 of IPC, Section 67-B of Information Technology Act, 2000 and Section 4 of the Protection of Children from Sexual Offence Act, 2012 at Police Station Women Gohana, District Sonapat.

2. Learned counsel for the petitioner contends that it is a case of consensual physical intimacy between the petitioner and the prosecutrix. Owing to the parental pressure and the social embarrassment caused by public disclosure of their relationship, the prosecutrix was under duress to get the FIR in question registered against the petitioner. He further contends that the petitioner and the prosecutrix are otherwise good friends and have mutual liking for each other and wish to be life partners. On attaining their respective marriageable age, they intend to marry each other. He further submits that even now the petitioner intends to do the same and as per his instructions, family of the prosecutrix has also agreed to the matrimonial alliance of the petitioner with the prosecutrix at the appropriate time when the law permits them to do so.

3. He further contends that even otherwise the FIR is a clear afterthought as is borne out from the fact that alleged occurrence took place more than three months prior to the registration of the FIR. He submits that the petitioner has been in custody since 31.01.2021.

4. Per contra, learned State counsel opposes the bail plea and submits that charges are serious.

5. I have heard learned counsel for the parties and gone through the case file.

6. Admittedly, petitioner is no more required for any further custodial interrogation. Investigation is complete and challan has already been filed. Trial of the case will take long time in view of delays being caused by current pandemic. Out of 24 witnesses, none has been examined so far. Keeping the petitioner in further preventive custody, who is on cross roads of his career, would forever jeopardize his future. Relationship was consensual or not is though matter of trial but taking the wholesome view of the matter, petitioner deserves bail at this stage.

7. Considering the overall scenario, without commenting on the merits of the case, the petition is allowed. I am of the view that no useful purpose would be served to keep the petitioner under further incarceration.

8. Accordingly, petitioner shall be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/ Duty Magistrate, as the case may be.

(ARUN MONGA)
JUDGE

17.06.2021
Vandana