

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

218

**CRM-M-22497-2021
Decided on : 19.07.2021**

Amit

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

(Through Video Conferencing)

PRESENT: Mr. Atul Ravish, Advocate
for the petitioner(s).

Ms. Gaganpreet Kaur, Asstt. AG, Haryana
assisted by L/ASI Mamtesh.

MANJARI NEHRU KAUL, J. (Oral)

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No. 592, dated 25.12.2020, under Sections 376, 323, 506 of IPC and Section 67 of the IT Act, 2000, registered at Police Station Sampla, District Rohtak.

Learned counsel for the petitioner *inter alia* contends that a perusal of the FIR in question clearly reveals that a concocted version has been brought-forth against the petitioner of assaulting and forcibly raping the prosecutrix. He submits that in fact the contents of the FIR in question leaves no manner of doubt that the petitioner and the prosecutrix, who were major, were in a consensual relationship. He further submits that the applicability of the offence of rape would be a subject matter to be decided during trial. A prayer has, therefore, been made that since there is no likelihood of the trial concluding anytime in the near future and the petitioner has been in custody since December, 2020, hence, the petitioner be extended the concession of regular bail.

Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions from L/ASI Mamtesh, has submitted that there are serious allegations against the petitioner of having continuously raped the prosecutrix after luring her into a relationship with him. She has further submitted that in her statement recorded under Section 164 Cr.P.C., the prosecutrix has reiterated the allegations levelled in the FIR in question, against the petitioner.

Heard.

In view of the submissions made by learned counsel for the parties and keeping in view the fact that only challan stands presented, I deem it a fit case for grant of the concession of regular bail to the petitioner. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

July 19, 2021

J.Ram

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*