

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

**CRM-M-32787-2020
Date of Decision : 05.02.2021**

Pawan

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Satish Chaudhary, Advocate
for the petitioner.

Mr. Deepak Kumar Grewal, DAG, Haryana.

Mr. Aakash Dalal, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (Oral)

This is a petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.423 dated 27.11.2019 under Sections 376 (2) (n)/506 of Indian Penal Code, 1860 registered at Police Station Sadar Charkhi, Dadari, District Charkhi Dadri, Haryana.

Learned counsel for the petitioner submits that as per allegations in the FIR, the date of birth of the victim is 12.10.1997 and in the year 2017, she met petitioner Pawan as both of them were preparing for competitive examinations. Later on, the petitioner committed rape upon her and even on subsequent dates, the petitioner called her at a hotel where he had physical relations with the victim.

Learned counsel for the petitioner further submits that though the petitioner has developed physical relations with the victim on the promise of marrying her, however, later on, he resiled and even extended threat to her.

Learned counsel for the petitioner further submits that there is no explanation of delay from 2017 to till date of registration of the FIR.

Learned counsel for the petitioner further relies upon MLR of the victim as well as the FSL Report, which suggest that semen could not be detected on any of the exhibits.

Learned counsel for the petitioner further argues that the charges were framed on 30.03.2020 and out of total 19 prosecution witnesses, none has been examined so far and it will take a long time in conclusion of the trial.

Learned State counsel, assisted by learned counsel for the complainant, has opposed the prayer on the ground that there are direct allegations against the petitioner that he has developed physical relations with the victim on false promise of marrying her.

After hearing the counsel for the parties and considering the fact that petitioner is not involved in any other case and is in judicial custody since 02.01.2020; charges have already been framed and no prosecution witness has been examined so far, the present petition is allowed and the petitioner is directed to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaq Magistrate, concerned.

05.02.2021

Waseem/Chetan

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No