

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

**CRM-M-40486-2020(O&M)  
Date of Decision:07.04.2021**

**Karan**

**...Petitioner**

**Versus**

**State of Haryana**

**...Respondent**

**CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR**

Present: Mr. A.K. Malik, Advocate  
for the petitioner.

Ms. Deepshikha Chauhan, A.A.G., Haryana.

Mr. J.S. Saneta, Advocate  
for the complainant.

**JAISHREE THAKUR, J. (Oral)**

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.596 dated 11.07.2020, under Sections 376AB and 506 IPC and Section 6 of the POCSO Act registered at Police Station City Thanesar, District Kurukshetra.

Learned counsel for the petitioner herein would contend that the allegations as set out in the FIR pertaining to the offence of rape having been committed upon the prosecutrix are unwarranted, considering the fact the the prosecutrix knew that the petitioner herein was already married. He would rely upon whatsapp messages. It is further submitted that the petitioner is in custody since 16.07.2020 and the trial may take a long time.

*Per contra*, learned counsel appearing on behalf of the respondent-State and the complainant would argue that the petitioner herein has abused the trust of a minor and her consent would be irrelevant.

I have heard counsel for the parties and have also perused case file.

Without going into the merits of the case and keeping in view the custody period of the petitioner besides the fact that the prosecutrix has been examined and the petitioner would not be in a position to effect material witnesses, I deem it appropriate to allow the petitioner benefit of bail, at this stage as the trial is likely to take time to conclude. The petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing adequate bail bonds and surety bonds to the satisfaction of trial Court/Duty Magistrate concerned.

**07.04.2021**

*ps-I*

**(JAISHREE THAKUR)**  
**JUDGE**

|                             |     |    |
|-----------------------------|-----|----|
| Whether speaking/reasoned : | Yes | No |
| Whether Reportable :        | Yes | No |