

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

CRM-M-42457-2020

Date of Decision: 24.02.2021

Kuldeep

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Jai Vir Yadav, Advocate,
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

Mr. Sachit Puri, Advocate for
Mr. Mukesh Yadava, Advocate,
for the complainant.

AMOL RATTAN SINGH, J. (Oral)

By this petition, the petitioner seeks the concession of 'regular bail' under the provisions of Section 439 Cr.P.C., upon FIR No.252, dated 11.09.2020, having been registered at Police Station Kosli, District Rewari, alleging therein the commission of offences punishable under Sections 354/452/506/34 of the IPC (with Section 376-D of the Code added later).

Learned counsel for the petitioner submits that no offence punishable under Section 376-D of the IPC was even made out in the FIR and only subsequently a statement was recorded under Section 164 of the Cr.P.C., in which an improvement was made, and further, admittedly there were telephone calls received from time to time by the prosecutrix who is a 42 year old married lady, with the petitioner being 22 years of age; and consequently, it was actually a case of consensus relationship though with him stressing that actually no rape was ever committed.

He further submits that the prosecutrix has already been examined, but with 23 prosecution witnesses still remaining to be examined.

Learned State counsel and counsel for the complainant though otherwise oppose the petitioner being admitted to bail, however, could not deny the factual position as regards the stage of the trial and the fact that the prosecutrix has already been examined.

Consequently, looking at the entire circumstances enumerated hereinabove, without making any comment on the actual merits of the case, the petition is allowed and the petitioner is ordered to be admitted to bail, upon him furnishing adequate bail and surety bonds to the satisfaction of the trial court/CJM/Duty Magistrate concerned.

February 24, 2021

dharamvir/

(AMOL RATTAN SINGH)
JUDGE

Whether reasoned/speaking : Yes/No
Whether reportable: : Yes/No