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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-3288-2022
Date of Decision: 01.02.2022

ArunPetitioner

Versus

State of Haryana.....Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

....

(through video conferencing)

Present: Mr. Amit Kumar Jain, Advocate
for the petitioner.

Mr. Karan Sharma, DAG, Haryana.

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MANJARI NEHRU KAUL, J. (Oral)

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail in case FIR No. 131 dated 08.09.2021 under Sections 323, 376(2)(n), 376(2)(f), 506 IPC (charges not framed under Section 354 and 34 IPC) registered at Police Station Women, Jind, District Jind (Annexure P-1).

Learned counsel for the petitioner *inter alia* contends that the petitioner and the prosecutrix, who is an adult, were admittedly in a consensual relationship for as long as 07 years, which is evident from the perusal of the FIR in question (annexed as Annexure P-1). He further contends that it was on account of the relations between the parties turning sour, the prosecutrix had levelled unbelievable allegations that the petitioner after solemnizing a fake marriage had been establishing physical relations with her. Learned counsel further submits that the petitioner has been in

custody since 09.09.2021 and only charges have been framed till date. Hence, there is no likelihood of the trial concluding in the near future.

Learned State counsel while opposing the prayer and submissions made by the counsel opposite submits that the prosecutrix had reiterated her allegations against the petitioner while getting her statement recorded under Section 164 Cr.P.C. wherein she categorically stated that after solemnizing a fake marriage with her in the year 2013 the petitioner had been continuously committing rape upon her.

I have heard the learned counsel and perused the material on record.

Prima facie, it appears to be a consensual relationship between two mature adults. Whether the petitioner had fraudulently established physical relations with the prosecutrix, would be a matter to be appreciated at the time of trial. The petitioner, admittedly, is not involved in any other case much less of similar nature. Since the petitioner is ready to face proceedings in accordance with law and the trial would take considerable time to conclude, this Court deems it a fit case to grant the concession of regular bail. The petition is allowed and the petitioner is admitted to bail to the satisfaction of trial Court/Duty Magistrate. However, it is made clear that any observation made herein shall not be construed as an expression of opinion on the merits of the case.

01.02.2022
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(MANJARI NEHRU KAUL)
JUDGE

Note: Whether speaking/reasoned
Whether Reportable:

Yes / No
Yes / No