

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

(Sr. No. 210)

CRM-M No. 4197 of 2022

Date of decision : 04.04.2022

Chetan Kumar

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

Present : Mr. Rakesh Sharma, Advocate for the petitioner.

Ms. Sheenu Sura, DAG, Haryana.

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DEEPAK SIBAL, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.35 dated 30.01.2021 registered under Section 346 IPC (Section 376 IPC and Section 6 of POCSO Act, 2012 added later on) at Police Station Rai, district Sonapat.

The petitioner is being prosecuted for having abducted and raped the prosecutrix.

Learned counsel for the petitioner contends that the petitioner, who is a 21 year old young boy, has been falsely implicated in this case; the petitioner and the prosecutrix were in a consensual relationship; such relationship was not acceptable to the prosecutrix's parents and when the same was revealed to them, out of fear, the petitioner was involved in the present FIR; the petitioner has no other criminal case pending against him; the consensual relationship between the petitioner and the prosecutrix is clear from the admission by the prosecutrix that on the asking of the petitioner she

went to the appointed place to meet him; the case of the prosecution is apparently false as no injury was found on the prosecutrix and that the prosecutrix came back to her home on her own; the petitioner is in custody since 16.02.2021; all the material prosecution witnesses in the petitioner's trial have been examined; in the FIR in question the prosecutrix's father has admitted that the prosecutrix is of 18 years of age; even otherwise there is contradiction in the date of her birth as she has stated her date of birth to be 05.07.2003 whereas in the school records her given date of birth is 17.06.2003 and that since 8 prosecution witnesses still remain to be examined in the petitioner's trial the same will take a long time to conclude.

Learned State counsel opposes the grant of bail to the petitioner on the ground that he has committed rape upon a minor girl.

After considering the afore rival submissions, this Court is of the opinion that the present case is a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Sonapat the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

04.04.2022*sunil yadav***(DEEPAK SIBAL)
JUDGE**

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