

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

Sr. No.206

CRM-M-10748-2022

Date of decision: 26.05.2022

Virender Singh

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Aditya Sanghi, Advocate, for the petitioner.

Mr. Sumit Jain, Addl. A.G., Haryana.

Mr. Lokesh Sharma, Advocate for
Mr. MJS Bedi, Advocate, for the complainant.

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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.09 dated 04.02.2022 registered under Sections 376(2)(n) IPC at Police Station Women Sirsa, District Sirsa.

The petitioner is being prosecuted for having sexual relations with the prosecutrix on the false promise of marriage.

Learned counsel for the petitioner submits that the petitioner and the prosecutrix, who were both adults, were in a consensual relationship; the petitioner was falsely implicated only when the relations between the petitioner and the complainant became strained; the prosecutrix has sworn an affidavit (Annexure P-3) through which she has completely exonerated the petitioner of the crime he is accused of; the petitioner has been in custody since 08.02.2022; the petitioner has no other criminal antecedents; investigation in the case is complete; no recovery is made from the petitioner and that the petitioner's trial, as and when it begins, will take a long time to conclude.

Learned counsel appearing for the prosecutrix admits to the contents of the affidavit annexed with the petition (Annexure P-3) through which his client has completely exonerated the petitioner of the offence he is accused of.

Learned State counsel opposes the grant of bail to the petitioner on the ground that the petitioner has raped a girl on the false promise of marrying her.

The prosecutrix has acknowledged before this Court that the petitioner did not commit the offence he is accused of; the petitioner has been in custody since 08.02.2022; the petitioner has no other criminal antecedents; report under Section 173 Cr.P.C. has already been filed and therefore, the petitioner is in no position to influence the investigation; no recovery is required to be made from the petitioner and that the petitioner's trial, as and when it begins, is likely to take a long time to conclude.

Keeping in view the totality of the above facts, the present case is considered to be 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, Sirsa, 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.

May 26, 2022
Jyoti 1

(DEEPAK SIBAL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No