

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(101)

CRM-M-24914-2022
Date of Decision: 24.08.2022

Geeta

--Petitioner

Versus

State of Haryana & another

--Respondents

CORAM:- HON'BLE MR. JUSTICE RAJESH BHARDWAJ.

Present:- Ms. Santosh Miglani, Advocate for the petitioner.

Mr. B.S. Virk, D.A.G., Haryana.

RAJESH BHARDWAJ.J (Oral)

The present petition has been filed under Section 439(2) Cr.P.C praying for cancellation of anticipatory bail granted to respondent no.2 by this court vide order dated 5.4.2022 (Annexure P-3) passed in CRM-M-3944-2022 in case FIR No.197 dated 28.12.2021 under sections 342, 376(2)(n), 506, 34 IPC, registered at Police Station, Women Jind, District Jind.

Learned counsel for the petitioner vehemently contends that there were specific allegations against respondent no.2 in the FIR for committing a heinous offence and hence the anticipatory bail granted to him vide impugned order deserves to be cancelled. She submits that the prosecutrix is 7th standard pass and she was not aware of the consequences of the affidavit etc. which had been taken from her and offence under section 376 IPC is made out against respondent no.2.

On the other hand, learned State counsel submits that after grant of bail by this court respondent no.2 had duly joined the investigation

and after completion of same challan already stands presented. He further submits that the case is fixed for framing of charges before the Trial Court on 13.9.2022.

I have heard learned counsel for the parties at length and have gone through the records carefully.

There is nothing on record to show that respondent no.2 has misused the concession of anticipatory bail granted to him. Besides this, as per the allegations in the FIR both the prosecutrix and respondent no.2 are of the age of majority. Whether the relationship between both of them was consensual or not is totally a subject matter of trial, which is pending before the learned Trial Court.

Keeping in view the overall facts and circumstances of the case, this court does not find any ground for cancellation of anticipatory bail granted by this court to respondent no.2 vide impugned order dated 5.4.2022. The petition being devoid of any merit is dismissed. However, nothing stated herein shall be treated as an expression on the merits of the case.

(RAJESH BHARDWAJ)
JUDGE

24.08.2022

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