

CRM-M-25607-2022

Date of Decision: 29.08.2022

RACHIT KUMAR

... PETITIONER

V/S

STATE OF HARYANA

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. J.S.Hooda, Advocate for the petitioner.
Ms. Trishanjali Sharma, DAG Haryana.

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VIVEK PURI, J. (ORAL)

The petitioner is seeking regular bail in case bearing FIR No. 461 dated 20.09.2021 under Section 376(2)(N) IPC and Section 6 of Protection of Children from Sexual Offences Act, registered at Police Station Palla, District Faridabad.

Custody certificate has been placed on record.

Briefly, the FIR has been registered on the basis of the statement of the prosecutrix, who is aged about 21 years, alleging that the prosecutrix was in relationship with the petitioner. They thought that after attaining the age of majority, they will solemnize marriage and on the pretext of solemnizing marriage, the petitioner had developed physical relations with her. Subsequently, the petitioner had refused to solemnize the marriage.

Learned counsel for the petitioner contends that during the course of trial, the statements of the prosecutrix, her mother and sister have been recorded but they have not supported the prosecution version. Furthermore, the petitioner is in custody for a period of 9 months and 20 days and is not involved in any other case. Only 3 witnesses are stated to have been examined so far.

Learned State counsel has opposed the bail application on the score that there are allegations with regard to physical relationship even during the period of minority of the prosecutrix.

It may be mentioned here that the allegations against the petitioner are to the effect that he had developed physical relations with the prosecutrix on the false pretext of solemnizing marriage with her. Significantly, the petitioner, her mother and sister have not supported the prosecution version during the course of trial. The prosecutrix has specifically stated that the petitioner is residing in her neighbourhood and had not committed any wrong act with her. The petitioner is in custody for a period of 9 months and 20 days and is not involved in any other. Only 3 witnesses are stated to have been examined so far. The conclusion of trial is likely to take some more time and no fruitful purpose would be served by detaining the petitioner in further custody.

As such, sufficient mitigating circumstances are made out to extend the concession of bail to the petitioner. Therefore, without making any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing fresh bail bonds/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

The petition is allowed.

(VIVEK PURI)
JUDGE

29.08.2022

Janki

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