

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

Sr. No.216

CRM-M-33606-2022

Date of decision: 14.09.2022

Kuldeep

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.Anshumaan Dalal, 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.395 dated 10.05.2022 registered under Sections 376(2)(n) and 506 IPC at Police Station Chandni Bagh, Panipat.

The petitioner is being prosecuted for having sexually exploited the prosecutrix on the pretext of marriage as also for giving threats to her.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case; the petitioner has no other criminal case pending against him; the petitioner is in custody since 07.06.2022; the petitioner and the prosecutrix, who are both adults, were in a consensual relationship and therefore, there is no question of the petitioner having raped her; out of the total 20 prosecution witnesses, 13 prosecution witnesses including the prosecutrix stand examined in the petitioner's trial; during the course of her examination, the prosecutrix has stated before the Trial Court that the petitioner never raped her or gave her beatings/threats and that since in the petitioner's trial 07 prosecution witnesses still remain to be examined, the same will take a long time to conclude.

Learned State counsel opposes the grant of bail to the petitioner on the ground that the petitioner has sexually exploited the prosecutrix on the pretext of marriage and also threatened her.

Whether the petitioner and the prosecutrix, who are both adults, were in a consensual relationship shall be debated during the course of the petitioner's trial. Nonetheless, the petitioner has no other criminal case pending against him; the petitioner is in custody since 07.06.2022; 13 prosecution witnesses, including the prosecutrix, stand examined in the petitioner's trial; during the course of her examination, the prosecutrix has stated before the Trial Court that the petitioner never raped her or gave her beatings/threats and that since in the petitioner's trial 07 prosecution witnesses still remain to be examined, the same 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, Panipat, 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.

September 14, 2022
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(DEEPAK SIBAL)
JUDGE

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