

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

211

CRM-M-38554-2022 (O&M)

Date of decision: 01.09.2022

Sandeep Sindhu

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Arav Gupta, Advocate
for the petitioner.

Mr. Rohit Arya, DAG, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

This is the third petition filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case FIR No.07 dated 10.02.2021 lodged under Sections 376(2)(n), 354D, 506 and 34 IPC registered at Police Station Mahila Thana, Rohtak.

Learned counsel for the petitioner, while inviting the attention of this Court to the allegations levelled in the FIR which stands reproduced in the body of the petition, as well as the deposition of the prosecutrix which has been annexed as Annexure P-5, submits that a perusal of the same left no manner of doubt that the petitioner and the prosecutrix who are both mature adults were in a consensual relationship with each other. He submits that the prosecutrix no doubt was a widow, aged about 34 years, however, she had in her deposition while stepping into the witness box as PW2 also submitted that she had been living with the petitioner for the last many years and still further in the year 2014-15 the petitioner had performed marriage with her after

putting *sindoor* on her forehead. Still further, he submits that she had also categorically deposed before the Trial Court that in the school records of her 3 children, name of the petitioner had been entered as their father. Learned counsel submits that since the relations between the petitioner and the prosecutrix turned sour, a false and fabricated case had been foisted upon the petitioner. Learned counsel still further submits that a false version having been brought forth by the prosecutrix that she had been threatened by the petitioner with dire consequences through three persons Randhir, Ravi and Sandeep, who were his friends, finds credence from the fact that the police did not even challan them in the absence of any evidence to the said effect. He submits that since the prosecutrix who is the sole material witness stands examined, further incarceration of the petitioner would serve no useful purpose as 12 more prosecution witnesses remain to be examined. Learned counsel appearing for the petitioner, therefore, prays for concession of bail as the petitioner has now been in custody for more than a year having been arrested on 27.04.2021. It has also been submitted that the petitioner is not involved in any other criminal case.

Per contra, learned State counsel while opposing the prayer made by the counsel opposite on instructions, submits that the petitioner after luring the prosecutrix on the pretext of marriage exploited her and continued to establish physical relations for almost 08 years. Lateron when the prosecutrix realized that she was being taken for a ride by the petitioner, she was left with no other choice but to register the FIR in question against him. He, however, conceded on

instructions that no substance was indeed found in the allegations levelled in the FIR that the petitioner had extended threats to the prosecutrix through 3 of his friends i.e. Randhir, Ravi and Sandeep. Learned State counsel has also not been able to dispute that the prosecutrix who is the sole material witness stands examined. He submits that the next date fixed before the Trial Court is 18.10.2022 when some more prosecution witnesses are likely to be examined.

I have heard learned counsel for the parties and perused the material placed on record.

The prosecutrix who concededly is the sole material witness stands examined, however, 12 more prosecution witnesses remain to be examined. Therefore, since the trial would take considerable time to conclude, coupled with the fact that the petitioner admittedly, is not involved in any other criminal case, his further incarceration would serve no useful purpose.

Accordingly, in view of the facts and circumstances as enumerated hereinabove, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

01.09.2022

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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