

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

(Sr. No. 221)

CRM-M No. 46308 of 2022(O&M)

Date of decision : 28.10.2022

Vipul

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

Present : Mr. Kamal Deep Shera, Advocate for the petitioner.

Ms. Sheenu Sura, DAG, Haryana.

Mr. Sumit, Advocate for respondents No.2 and 3.

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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.0120 dated 15.03.2019 registered under Sections 376(2)(n), 452 and 506 IPC and Section 6 of the POCSO Act, 2012 at Police Station Rai, district Sonipat.

The petitioner is being prosecuted for having raped a minor girl.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in this case; he is in custody since 15.03.2019; the petitioner has no other criminal antecedents; in the petitioner's trial the entire prosecution evidence has been led; while on interim bail the petitioner and the prosecutrix got married; from the loins of the petitioner the prosecutrix has given birth to a son who is now 03 years old and that the petitioner has filed a petition before this Court being CRM-M No. 11300 of

2022 – Vipul Vs. State of Haryana through which he has sought quashing of the FIR in question primarily on the ground that he has married the prosecutrix in which petition a Coordinate Bench of this Court has issued notice and stayed the proceedings before the Trial Court.

Learned counsel appearing for the prosecutrix as well as the complainant does not dispute the factum of the petitioner and the prosecutrix having solemnized marriage on 14.02.2022 as also the fact that the petitioner has fathered the prosecutrix's son who is now 03 years old.

Learned State counsel opposes the grant of bail to the petitioner on the ground that the petitioner has raped a minor girl.

The petitioner has no other criminal antecedents; he is in custody for the last over 03 years and 07 months; in the petitioner's trial the entire prosecution evidence has been led; the petitioner and the prosecutrix have got married; from the loins of the petitioner the prosecutrix has given birth to a son who is now 03 years old and that the petitioner has filed a petition before this Court being CRM-M No. 11300 of 2022 - Vipul Vs. State of Haryana seeking therein quashing of the FIR in question in which petition a Coordinate Bench of this Court has issued notice and stayed the proceedings before the Trial Court.

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, Sonipat, 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.

28.10.2022

sunil yadav

**(DEEPAK SIBAL)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No