

2023:PHHC:099008

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

CRM-M-3815-2023

Date of Decision: 02.08.2023

KULWINDER SINGH

... PETITIONER

VS.

STATE OF HARYANA

.. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. J.S.Gill, Advocate
for the petitioner.

Mr. Ranvir Singh Arya, Additional Advocate General, Haryana.

Mr. Aditya Sanghi, Advocate,
for the complainant.

VIVEK PURI, J.(ORAL)

1. The petitioner is seeking regular bail in the case bearing FIR No. 375 dated 12.05.2022 under Sections 376 (2)(n), 376(2)(f) and 506 IPC registered at Police Station City Sirsa, District Sirsa.

2. Custody certificate has been placed on record.

3. Learned counsel for the petitioner contends that the prosecutrix was aged about 30 years at the time of occurrence. The petitioner and the prosecutrix were in live-in-relationship. The relationship between them was consensual one.

4. Learned State counsel and counsel for the complainant have opposed the bail application on the score that there is categoric allegation levelled by the prosecutrix to the effect that the petitioner had committed forcible sexual intercourse from 25.03.2022 till 05.05.2022. Even in her cross-examination, she has denied the fact of execution of live-in-relationship agreement. It has been further submitted that out of 14, only 03 witnesses have been examined.

5. Custody certificate indicates that the petitioner is in custody for a period of 01 year, 02 months and 08 days and not involved in any other case. The controversy as to whether the petitioner and prosecutrix were in live-in-relationship will be a debatable and moot point during the course of trial. The statement of the prosecutrix during the course of trial has been recorded. As such, it cannot be said that the petitioner can, in any manner, win over or influence her. The age of the prosecutrix at the time of alleged occurrence is stated to be 30 years. Eleven more witnesses still remain to be examined. The conclusion of trial is likely to take some time and no fruitful purpose will be served by detaining the petitioner in further custody.

6. In such circumstances, sufficient grounds are made out to extend the concession of bail to the petitioner. Accordingly, without making any observation on the merits of the case, the present petition is allowed and petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

02.08.2023
smriti

(VIVEK PURI)
JUDGE

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