

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

CRM-M-14654-2023 (O&M)

Date of Decision: 21.08.2023

RAHUL

...Petitioner

V/S

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Abhimanu Jangra, Advocate
for the petitioner.

Mr. Ranbir Singh Arya, Addl. AG Haryana.

VIVEK PURI J. (Oral)

1. The petitioner is seeking regular bail in the case bearing FIR No. 150 dated 28.07.2021 under Sections 376(2) (n), 377, 511 and 506 of Indian Penal Code, Section 4 of Protection of Children from Sexual Offences Act and Section 67-A of Information and Technology Act, 2000 registered at Police Station Women Ballabgarh, District Faridabad.
2. Custody certificate filed and the same is taken on record.
3. Learned counsel for the petitioner contends that marriage of the petitioner was solemnized with the victim on 22.02.2021 and Annexure P-13 are the photographs depicting their marriage and victim was more than 18 years of age at that point of time. The present FIR has been lodged by raising false allegations and the same is on account of marital dispute between the parties. The first allegation with regard to commission of forcible sexual intercourse pertains to 08.06.2019 and

the FIR has been lodged after a delay of more than 02 years. Moreover, there are allegations to the effect that petitioner has procured obscene photographs and video of the victim but no such photograph or video is stated to have been recovered and produced during the course of trial. The petitioner is in custody for a period of 01 year 11 months and 24 days and is not involved in any other case. Statement of the victim has already been recorded in the trial Court.

4. Learned State Counsel on instructions from Inspector Indu Bala submits that victim has supported the allegations as put forth by prosecution during the course of trial and out of 24 prosecution witnesses only 02 have been examined so far.

5. It is significant to note that as per the version of the petitioner, his marriage was solemnized with the victim on 22.02.2021 and the present FIR has been lodged on account of marital dispute between the parties and that the victim was aged more than 18 years at the time of her marriage. As per the FIR, the first instance of forcible sexual intercourse pertains to 08.06.2019 and the FIR has been lodged after a delay of more than 02 years. Even no obscene photograph or video of the victim is stated to have recovered in the instant case. The statement of the victim has already been recorded. Consequently, it cannot be said that the petitioner can in any manner win over or influence her. The petitioner has faced incarceration for a period of about 02 years and still 22 prosecution witnesses remain to be examined. Furthermore, the conclusion of trial is likely to take some time. The petitioner is not involved in any other case. No useful purpose would

be served by keeping the petitioner in further custody.

6. As such, sufficient mitigating circumstances are made out to grant the petitioner, concession of bail. 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 requisite bail bonds/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

7. The petition is allowed.

21.08.2023
Ajay Goswami

(VIVEK PURI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No