

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

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**CRM-M No. 19456 of 2023
Date of Decision : 18.5.2023**

*Pardeep Yadav alias Rahul**..... Petitioner**versus**State of U.T., Chandigarh**..... Respondent*

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Ms. Swati Dayalan, Advocate, for the petitioner

Mr. A.M. Punchhi, Public Prosecutor, UT, Chandigarh

TRIBHUVAN DAHIYA J. (ORAL):

This is a petition under Section 439 Cr.P.C. seeking regular bail to the petitioner in case FIR No.215 dated 29.12.2022 under Sections 376 (2)(n) and 377 IPC, registered at Police Station Industrial Area, Chandigarh.

2. Briefly, as per allegations levelled by the complainant, she was a student of B.A. II year. The petitioner was her boyfriend with whom she was in relationship for the last one and a half years. The petitioner had physical relations with her on the pretext of marriage, but got engaged to someone else, and refused to marry her. Everyone in the petitioner's family knew about their relationship. For the first time it was on 17.6.2021 that she was taken by him to a hotel. He used to take her to his house also and do unnatural sex despite her refusal.

3. Learned counsel for the petitioner contends that relationship between the petitioner and the complainant was consensual, as is apparent from the FIR itself. The family also knew about it. It

continued for about one and a half years and the FIR was lodged only to wreak vengeance as the petitioner statedly refused to marry the complainant. He is in custody, and investigation of the case is already over.

4. Learned State counsel, on instructions from ASI Parvinder Singh, submits that charges against the petitioner have been framed, and eighteen prosecution witnesses will soon be examined. The petitioner is in custody since 29.12.2022, there is no other case against him.

5. The submissions made by learned counsel for the parties have been considered. The prosecutrix is an adult and has levelled the allegations after staying in relationship with the petitioner for about one and a half years. Investigation of the case is already over and nothing is to be recovered from the petitioner. Trial of the case will take some time to conclude as none of the prosecution witnesses has been examined so far. The petitioner has no criminal antecedents and no useful purpose will be served by confining him to custody any longer.

6. Accordingly, the petition is allowed. The petitioner is ordered to be released on bail to the satisfaction of the trial Court/Duty Magistrate concerned.

(TRIBHUVAN DAHIYA)
JUDGE

18.5.2023

Ashwani

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