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2023 : PHHC : 085625

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-20691-2023
Date of Decision: 07.07.2023

SONU

... PETITIONERS

V/S

STATE OF HARYANA

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Surender Saini, Advocate for the petitioner.

Mr. Ranvir Singh Arya, Addl. AG Haryana.

* * *

VIVEK PURI, J. (ORAL)

1. The petitioner is seeking regular bail in case bearing FIR No. 137 dated 07.03.2022 under Sections 323, 315, 376, 377, 506 IPC, registered at Police Station Civil Lines, Sonapat.
2. Custody certificate and status report by way of affidavit of Nar Singh, Assistant Commissioner of Police, City-I, Sonipat, on behalf of the State have been taken on record.
3. Learned counsel for the petitioner contends that the prosecutrix is presently aged about 32 years and is the cousin of the petitioner. She is M.Tech and also engaged in a private job. The prosecutrix and the petitioner were in relationship since year 2017. The prosecutrix has levelled false allegations to the effect that the petitioner had committed rape on the false pretext of solemnizing marriage with her. The statement of the prosecutrix during the course of trial has been recorded. The petitioner never refused to solemnize marriage with the prosecutrix. The petitioner is in custody

for a period of 1 year, 3 months and 29 days and is not involved in any other case.

4. Learned State counsel has opposed the bail application on the score that even during the course of trial, the prosecutrix has supported the prosecution version and out of 18, 6 witnesses have been examined.

5. It is significant to note that the petitioner is in custody for a period of 1 year, 3 months and 29 days and not involved in any other case. The prosecutrix was aged about 32 years at the time of occurrence. It is a categorical case of the prosecution that the petitioner and the prosecutrix were in relationship since the year 2017 and the FIR has been lodged in the year 2022. The version of the prosecutrix is to the effect that the petitioner had developed physical relations with the prosecutrix on the false pretext of solemnizing marriage with her. It is a categorical case of the petitioner that he never refused to solemnize marriage and the relationship was consensual. The controversy as to whether the relationship between the petitioner and the prosecutrix was consensual or not will be a debatable and moot point during the course of trial. The petitioner is in custody for a period of 1 year, 3 months and 29 days. 12 witnesses still remain to be examined. The statement of the prosecutrix has been recorded. As such, it cannot be said that the petitioner can, in any manner, win over or influence her. The conclusion of trial is likely to take some more time and no fruitful purpose would be served by detaining the petitioner in further custody.

6. As such, sufficient mitigating circumstances are made out to extend the concession of bail to the petitioner. 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 fresh bail

bonds/surety bonds to the satisfaction of the concerned trial Court/Chief
Judicial Magistrate/Duty Magistrate.

7. The petition is allowed.

07.07.2023

Janki

(VIVEK PURI)
JUDGE

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