

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**221****CRM-M No.29868 of 2023 (O&M)****Date of Decision : 14.09.2023**

Pankaj Rawat

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Sermon Rawat, Mr. Parikshit Goyal,
Ms. Aastha Vishwakarma and Mr. Harshit Jain, Advocates
for the petitioner.

Ms. Mayuri Lakhanpal Kalia, DAG Haryana.

Ms. Anjul Sharma, Advocate for the complainant.

ALKA SARIN, J. (Oral)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.31 dated 03.02.2023 under Sections 376(2)(n) and 313 of the Indian Penal Code, 1860 registered at Police Station Sushant Lok, Gurugram, District Gurugram.

2. Learned counsel for the petitioner would contend that the petitioner and the complainant in the present case were in a romantic relationship and there were no physical relations between the two of them. Learned counsel for the petitioner would further contend that the complainant in the present case is a divorcee with a 7 years old child. Initially, the petitioner was not aware of her marital status as she had

projected herself to be a single lady in her Curriculum Vitae (CV) which was given to the hotel where the petitioner and the complainant were both working. Learned counsel for the petitioner has contended that it is only when the petitioner learnt that the complainant was a divorcee and had a 7 years old child that the relations turned sour. It has further been contended that the petitioner has been in custody for a period of 07 months and 09 days and has absolutely clean antecedents. *Qua* the allegations of forced abortion, learned counsel for the petitioner has contended that there is not a single document which has been made a part of the challan to support the fact that there was any forced abortion.

3. Learned counsel for the complainant has stated that it was mentioned by the complainant in the CV that she was a single lady as she had prepared the CV at a cybercafé and that she was advised by the cybercafé person that if she was divorced she would have to write her marital status as single. Learned counsel for the complainant has not been able to deny the fact that the complainant stands examined and cross-examined in the present case.

4. Learned State counsel has filed the custody certificate of the petitioner as per which he has been in custody for a period of 07 months and 09 days.

5. In the present case the allegations in the FIR are that the petitioner had developed physical relations with the complainant on the pretext of marriage and that they had physical relations about 7-8 times in his rented accommodation. It is further the allegation in the FIR that the complainant had undergone an abortion on the asking of the petitioner as he

had insisted that she should get the abortion done before they actually consider marriage. It has further been alleged that the petitioner had fed her some pill, which caused bleeding and eventually she had to get an abortion. It is also the allegation in the FIR that the second time also the complainant got pregnant and again the child was aborted. The admitted case of both the parties is that both the petitioner and the complainant were known to each other. Though it has been argued by learned counsel for the petitioner that they were in romantic relationship and had no physical relations, however, learned counsel for the complainant has stated that they were in physical relationship and twice over she had to undergo an abortion.

6. With the assistance of learned counsel for the parties I have gone through the copy of the challan. There is no material on the record to support the allegations regarding the complainant having undergone an abortion. The petitioner has been in custody now for a period of 07 months and 09 days. The complainant stands examined. No useful purpose would be served by keeping the petitioner in custody anymore.

7. In view of the above and without commenting upon the merits of the case, I deem it to be a fit case to grant the concession of regular bail to the petitioner. The petitioner is directed to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Additional Sessions Judge (Duty) concerned.

8. However, the Prosecution will always be at liberty to apply for cancellation of bail in case the petitioner is found to be misusing the concession of bail in any manner.

9. It is also made clear that any observation made herein shall not

be treated as an expression of opinion on the merits of the case.

10. Disposed off. Pending applications, if any, also stand disposed off.

14.09.2023
jk

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO