

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M 31003/2023

Date of decision: 28.07.2023.

Anoop

.....Petitioner.

Vs.

State of Haryana and another

.....Respondents

CORAM HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Johan Kumar, Advocate for the petitioner.

Mr. Brijesh Sharma, AAG Haryana

Mr. Akshit Mehta, Advocate for the complainant.

Nidhi Gupta, J.

Prayer in this petition under Section 439 Cr.PC is for grant of regular bail in case FIR No. 118 dated 27.09.2022 under Section 376(2)(n), 506, 34 IPC, Women Police Station, Faridabad.

Vide last order dated 7.7.2023 this Court had noticed that respondent no.2-complainant had filed an affidavit dated 12.6.2023 (Annexure P4) wherein in para 6 she stated that "if the Hon'ble Court grants bail to Anoop then I have no objection in that". Matter was adjourned on last date to enable the respondent no.2-complainant to make statement to this effect before the Id. Trial Court.

Learned counsel for the petitioner has produced statement dated 27.7.2023 of prosecutrix PW1 wherein she has admitted that her

relations with the petitioner were consensual and later on her parents came to know about this fact and due to this fear she had lodged the present FIR.

Custody certificate dated 27.7.2023 produced by the ld. State counsel is taken on record.

Ld. State counsel while opposing the prayer admits that complainant/victim has been examined and she has not supported the case of the prosecution.

After hearing ld. counsel for the parties, without commenting on the merits of the case and keeping in view the fact that trial will take time to conclude and it will serve no useful purpose to keep the petitioner behind bars, the present petition is **allowed**. The petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of CJM/Duty Magistrate concerned.

28.07.2023.
Joshi

(Nidhi Gupta)
Judge