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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-36506-2023 (O&M)
Date of decision : 04.12.2023

Rahul ... Petitioner(s)

Versus

State of Haryana ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Ravi Kumar Girdhwal, Advocate for
Mr. Rohit Mittal, Advocate for the petitioner.

Ms. Priyanka Sadar, AAG Haryana.

ALKA SARIN, J. (ORAL)

1. This is a petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.31 dated 12.03.2023 under Section 376 of the Indian Penal Code, 1860 registered at Women Police Station, District Rewari (Annexure P-1).
2. Learned counsel for the petitioner would contend that the petitioner and the complainant had known each other for the last six years and even as per her statement recorded under Section 164 CrPC the prosecutrix has stated that she and the petitioner were in a consensual relationship for six years and their families also knew about it. It is further the contention of learned counsel that the alleged incident is dated

20.02.2023 and the FIR has been lodged on 12.03.2023 and that even the medical had been conducted on 12.03.2023. Learned counsel would further contend that out of 15 witnesses only 01 has been examined. It is further the contention of learned counsel for the petitioner that the petitioner has been in custody for a period of 08 months and 05 days and that he has absolutely clean antecedents.

3. Learned counsel for the State has filed the custody certificate and as per the custody certificate the petitioner has been in custody for a period of 08 months and 05 days and that there is no other case pending against him. Learned counsel for the State on instructions from ASI Parveen is not in a position to deny the fact that the prosecutrix since stands examined. Learned State counsel would further contend that serious allegations have been made against the petitioner and hence this is not a fit case for grant of regular bail to him.

4. Heard.

5. In the present case admittedly the petitioner and the prosecutrix had known each other for the last six years. Even as per the statement made by the prosecutrix, they were in a relationship for six years. It is the contention of the learned counsel that the said relationship was consensual and when this went sour between the two, the present FIR was lodged. The prosecutrix in the present case stands examined. Out of 15 witnesses only 01 has been examined. As per the custody certificate, the petitioner has been in custody for a period of 8 months and 05 days and there is no other case

pending against him. The trial is likely to take some time to conclude and no useful purpose would be served by keeping the petitioner behind the bars any further.

6. In view of the above and without commenting upon the merits of the case, this Court deems 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.

7. 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.

8. 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.

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

04.12.2023
Yogesh Sharma

(ALKA SARIN)
JUDGE

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