

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-40168-2023

Date of Decision: 22.08.2023

Ravi Kumar

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Ms. Sehej Sandhawalia, Advocate for the petitioner.

Mr. Brijesh Sharma, AAG, Haryana.

NIDHI GUPTA, J. (ORAL)

The petitioner has filed the present petition under Section 439 of the Code of Criminal Procedure, 1973, for grant of regular bail in case FIR No. 25 dated 11.02.2023 (Annexure P-1) registered under Section 376(2)(n) and Section 6 of the Protection of Children from Sexual Offences Act, 2012 at Police Station Siwan, District Kaithal, Haryana.

According to the prosecution story, allegations against the petitioner are that he had repeatedly committed rape upon the victim aged around 16 years at the time of alleged occurrence, on the false pretext of marriage, as a result of which, she became pregnant and gave birth to a female child on 11.02.2023.

Learned counsel for the petitioner, *inter alia*, submits that the petitioner has been falsely implicated in the present case. It is

submitted that at the time of alleged incident, the victim was 16 years old, however, she was in consensual relationship with the petitioner. Out of the said relationship of the petitioner and the victim, one female child has also been born on 11.02.2023. Presently, the victim and the girl child are staying at the house of the petitioner. The victim as PW-1 in her testimony (Annexure P-3) has admitted the consensual nature of relationship between her and the petitioner and stated that she wants to marry the petitioner. Even the complainant/father of the victim as PW-2 in his testimony (Annexure P-4) has admitted that the marriage of the victim with the petitioner will be fixed after the petitioner is released from jail. The petitioner is in custody since 12.02.2023. He is not involved in any other case. The trial is likely to take long time. No useful purpose will be served by further detention of the petitioner in custody. Thus, it is prayed that petitioner may be released on regular bail.

Per Contra, learned counsel for the State vehemently opposed the submissions made by learned counsel for the petitioner and has filed custody certificate dated 21.08.2023, which is taken on record, as per which the petitioner has been in custody as an undertrial for a period of 06 months and 09 days. He further submits that statements of the material witnesses i.e. the victim and complainant/father of the victim, have already been recorded by the trial Court and they have both turned hostile.

Having heard learned counsel for the parties, but without commenting on merits of the case, however, keeping in view the totality of the facts and circumstances of the case including the fact that there is

no other case against the petitioner, as well as the fact that conclusion of trial will take some time, the present petition is **allowed**.

The petitioner-Ravi Kumar, is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

22.08.2023
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(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No