

2023:PHHC:110904

**210 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-40725-2023

Date of Decision: 24.08.2023

ATUL KUMAR

... PETITIONER

VS.

STATE OF HARYANA

.. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Ankur Lal, Advocate
for the petitioner.

Mr. Ranvir Singh Arya, Additional Advocate General, Haryana.

VIVEK PURI, J.(ORAL)

1. The petitioner is seeking regular bail in the case bearing FIR No.04 dated 12.01.2023 under Sections 376(2)(N)/506/34 IPC registered at Police Station Women Central, District Faridabad.
2. Custody certificate has been placed on record.
3. Learned counsel for the petitioner contends that the FIR has been registered on the allegations that the rape was committed by the petitioner on the false pretext of marriage. It has been submitted that the statement of the prosecutrix has been recorded in the learned trial Court, wherein, she has not supported the prosecution version. The prosecutrix was aged about 20 years at the time of occurrence. The petitioner is in custody for a period of 07 months and 06 days and not involved in any other case.
4. Learned State counsel has not disputed the fact that the prosecutrix has not supported the prosecution version but has submitted that out of 15, only 01 witness has been examined.
5. It is significant to note that the prosecutrix has not supported the prosecution version. In her statement recorded during the course of trial,

it has been stated that her relationship with the petitioner was consensual. The petitioner is in custody for a period of 07 months and 06 days and still 14 witnesses remain to be examined. The conclusion of trial is likely to take some time and no fruitful purpose will be served by detaining the petitioner in further custody.

6. In such circumstances, sufficient grounds are made out to extend the concession of bail to the petitioner. Accordingly, without making any observation on the merits of the case, the present petition is allowed and petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

24.08.2023
smriti

(VIVEK PURI)
JUDGE

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