

2023:PHHC:118730

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

CRM-M-43710-2023

Date of Decision: 11.09.2023

NARESH KUMAR

... PETITIONER

VS.

STATE OF HARYANA

.. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Anshumaan Dalal, 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.58 dated 03.04.2023 under Sections 376(2)(n)/354-C/406/506/323 IPC registered at Police Station Women Rohtak, District Rohtak.

2. Custody certificate has been placed on record.

3. Learned counsel for the petitioner contends that the prosecutrix is a married lady, aged about 22 years. The petitioner is aged about 31 years. The relationship between the petitioner and the prosecutrix was consensual. As per the allegations, the prosecutrix had been residing with the petitioner since the year 2021. The allegations are to the effect that the petitioner had assured that he will get the marriage of the prosecutrix dissolved and, thereafter, solemnize marriage with her. It has been further submitted that the prosecutrix is a mature lady and it cannot be said that she was unaware or could be deceived to develop sexual relations on the pretext of marriage, particularly, when her earlier marriage was subsisting. The petitioner has solemnized marriage with another lady on 31.03.2023 and after three days, the present FIR has been lodged. The petitioner is in custody for a period of about 05 months. The custodial interrogation of the petitioner is over and on conclusion of the investigation, the challan has been presented.

4. Learned State counsel has opposed the bail application on the score that the prosecutrix is yet to be examined and there are specific and categorical allegations to the effect that the petitioner had developed physical relations with the prosecutrix on the false pretext of marriage.

5. It is significant to note that the earlier marriage of the prosecutrix, who is aged about 22 years, is still subsisting. It will be a debatable and moot point as to under such circumstance whether she could be physically exploited by the petitioner on the false pretext of marriage. The relationship between the parties continued for a period of two years. The FIR is stated to have been lodged soon after the marriage of the petitioner with another lady. Investigation of the case is complete and challan has been presented. The petitioner is in custody for a period of about 05 months and not involved in any other case. The conclusion of the 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/Illaq Magistrate/Duty Magistrate.

11.09.2023
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(VIVEK PURI)
JUDGE

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