

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

223

CRM-M-43078-2023 (O&M)

Date of Decision: 17.11.2023

TARUN KUMAR

... Petitioner

VERSUS

STATE OF HARYANA

.... Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Shikhar Goel, Advocate for the petitioner.
(joined through video conferencing)

Ms. Mayuri Lakhanpal Kalia, DAG Haryana.

Mr. Siddharth Sharma, Advocate and
Mr. Abhimanu Jangra, Advocate for the complainant.

ALKA SARIN, J. (ORAL)

Mr. Siddharth Sharma, Advocate appears and files power of attorney on behalf of the complainant. The same is taken on record.

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.02 dated 02.01.2023 under Section 376(2)N of the Indian Penal Code, 1860 registered at Police Station Women, Central Faridabad, District Faridabad.

2. Learned counsel for the petitioner would contend that, as per the averments made in the FIR itself, the complainant and the petitioner came in contact with each other on 09.09.2021. Thereafter, the complainant came to India from Vienna, Austria and contacted the petitioner on

30.10.2021 when she visited the office of Kotak Mahindra Insurance. Thereafter, the petitioner and the complainant remained in a consensual relationship up till 09.05.2022. It is further the contention of the learned counsel for the petitioner that there is no medical on record to prima facie show any evidence of an abortion having been suffered by the complainant. Learned counsel further contended that the complainant was a married lady during the entire duration when she remained in contact with the petitioner i.e. from 09.09.2021 till the year 2022. Learned counsel would further contend that the petitioner has been in custody for a period of 8 months and 14 days and that the complainant stands examined.

3. Learned counsel for the complainant has contended that the relationship between the petitioner and the complainant was on the false pretext of the marriage and that on the said false pretext the petitioner has made the complainant travel to Dubai also. Learned counsel would further contend that on the assurance given by the petitioner, the complainant had also filed a divorce petition and the divorce stands granted by the Court concerned in the month of June 2022.

4. 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 8 months and 14 days.

5. Heard.

6. In the present case, prima facie, the petitioner and the complainant seem to have been in a consensual relationship despite the complainant being a married lady. At some point of the relationship, things

appear to have gone sour resulting in the registration of the present FIR. The petitioner and the complainant, who is a 36 years old lady, had also travelled together to Amritsar and Dubai. The complainant stands examined and cross-examined. The petitioner has been in custody for a period of 8 months and 14 days. 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.

7. 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.

8. 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.

9. 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.

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

17.11.2023

Aman Jain

**(ALKA SARIN)
JUDGE**

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