

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

**CRM-3266-2023 in/and
CRM-M-46310-2022
Date of Decision: 24.01.2023**

**LUCKY RAWAT ... PETITIONER
VS.
STATE OF HARYANA .. RESPONDENT**

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Rajesh Khandelwal, Advocate
for the petitioner.

Mr. Surinder Kumar Dagar, DAG, Haryana.

VIVEK PURI, J.(ORAL)

CRM-3266-2023

This is an application for placing on record copy of the statement of the prosecutrix recorded in the trial Court.

For the reasons stated in the application, the same is allowed. Copy of the statement of the prosecutrix is taken on record, subject to all just exceptions.

Registry is directed to tag the same at appropriate place.

Application is disposed of.

CRM-M-46310-2022

The petitioner is seeking regular bail in the case bearing FIR No. 976 dated 01.07.2022 under Sections 323, 376(2) (n) and 506 IPC registered at Police Station Shivaji Nagar, Gurgaon.

Custody certificate has been placed on record.

Briefly, the FIR has been registered on the basis of the statement of prosecutrix alleging that about 18 months prior to the registration of the FIR, she became on friendly terms with the petitioner. They used to work in the same company. In April, 2021, the petitioner had developed physical relations with prosecutrix on the pretext of marriage. Subsequently, he refused to solemnize marriage and had been giving beatings and threatening to kill the prosecutrix.

Learned counsel for the petitioner contends that the petitioner is in custody for a period of 06 months and 22 days and not involved in any other case. The statement of the prosecutrix has been recorded and it was a consensual relationship between the petitioner and the prosecutrix. However, the relationship could not materialize and on that score, the petitioner has been falsely implicated.

Learned State counsel has opposed the bail application on the score that there is categorical statement of the prosecutrix recorded during the course of trial indicating that the physical relations were developed on the false pretext of marriage. So far, out of 15, 03 witnesses have been examined.

The controversy as to whether the relationship was consensual or deceitful will be a debatable and moot point during the course of trial. The physical relations were developed as back as in April, 2021 and the FIR has been registered after a lapse of period of more than one year. The learned trial Court had precisely dismissed the bail application on the score that there is an apprehension that the petitioner may threaten the prosecutrix and other witnesses. It has not been disputed that the statement of the prosecutrix has been recorded and the remaining witnesses are official witnesses. The conclusion of trial is likely to take some time and no fruitful purpose will be served by detaining the petitioner in further custody.

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.

24.01.2023
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(VIVEK PURI)
JUDGE

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