

2023:PHHC:154157

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

CRA-S-2473-2023

Date of Decision: 04.12.2023

PARAS

... APPELLANT

VS.

STATE OF HARYANA AND ANOTHER .. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Sunil Saharan, Advocate
for the appellant.

Mr. Surinder Kumar Dagar, DAG, Haryana.

Ms. Alisha Soni, Advocate
for respondent No.2.

VIVEK PURI, J.(ORAL)

1. The appellant has assailed the order dated 18.08.2023 passed by the Court of learned Additional Sessions Judge, Hisar, vide which his application for bail has been dismissed.

2. Custody certificate and status report by way of affidavit of Ashok Kumar, Deputy Superintendent of Police, Hisar-II, District Hisar have been placed on record.

3. Learned counsel for the appellant contends that the allegations in the FIR are to the effect that the appellant had developed physical relations with the prosecutrix on the false of pretext of marriage. There are allegations to the effect that he had uttered derogatory remarks against the caste of the prosecutrix and furthermore, also inflicted injuries and criminally intimidated her. It has been further submitted that the appellant is 58 years old Ex-Army man. The prosecutrix is aged about 37 years. She is divorcee and having two daughters. The relationship between the appellant and prosecutrix was consensual which spread over a period of four years. The entire family of the appellant has been sought to be implicated by the prosecutrix. However, during the course of investigation, the other family members have been found to be innocent and challan has been presented only

against the appellant. The wife of the appellant had died in the year 2005 and he is having two grown up sons. The allegations with regard to developing physical relations on the pretext of marriage are false. The investigation of the case is complete and challan has been presented. The appellant is in custody for a period of 05 months and 03 days.

4. Learned State counsel and counsel for the complainant have opposed the bail application on the score that there are categoric and specific allegations levelled against the appellant to the effect that physical relations were developed on the false pretext of marriage and against the wishes of the prosecutrix.

5. It is significant to note that the relationship between the appellant and the prosecutrix continued for a period of 04 years. The prosecutrix remained silent and never raised any objection in that regard. The controversy as to whether the relationship between the appellant and the prosecutrix was consensual or not, will be a debatable and moot point during the course of trial. The appellant is in custody for a period of 05 months and 03 days and not involved in any other case. He is aged about 58 years. The challan has been presented. The conclusion of trial is likely to take some time and no fruitful purpose will be served by detaining the appellant in further custody.

6. In such circumstances, sufficient grounds are made out to extend the concession of bail to the appellant. Accordingly, without making any observation on the merits of the case, the present appeal is allowed and appellant 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.

04.12.2023
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(VIVEK PURI)
JUDGE

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