

CRM-M-49464-2022

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-49464-2022

Date of Decision:-10.05.2023

HARISH

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr.D.S.Virk, Advocate
for the petitioner

Mr.Brijesh Sharma, AAG Haryana

Mr.Ashish Nagar, Advocate
for the complainant

ALOK JAIN, J. (Oral)

1. Prayer in the present petition is for grant of regular bail to the petitioner in case FIR No.15 dated 01.04.2022, under Sections 376(2)(n), 379-A and 506 of IPC, registered at Police Station Women, Sirsa, District Sirsa.
2. Learned counsel for the petitioner submits that the prosecutrix has been examined and this fact is corroborated by the statement of the learned State counsel.
3. Learned counsel for the complainant has vehemently opposed the grant of bail to the petitioner on the pretext that a serious offence has been committed by the petitioner.
4. Per contra, learned counsel for the petitioner submits that the petitioner is in custody since 11.04.2022 and more so, even presuming that there was some relationship between the parties, the same was consensual.

There was no occasion for the petitioner to have promised to get married to the complainant as there is a huge gap of age between the complainant and the petitioner. He submits that in fact, the only ground of dispute is monetary in nature as the petitioner and the complainant were running a PG accommodation, collectively and in order to extract money, a false FIR has been lodged.

5. After hearing learned counsel for the parties and the fact that the petitioner is a young boy of 22 years old and is in custody since 11.04.2022, coupled with the fact that the prosecutrix has been examined, and the trial is likely to take long time, no useful purpose would be served by keeping the petitioner in custody.

6. Without commenting upon the merits, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned. He shall, however, be released on the following conditions:

- I. The petitioner shall declare his ordinary place of residence and the mobile number used by him.
- II. He will not switch off his mobile and in case of any technical glitch, he has to give an alternate number, which will be available in his absence.
- III. He will mark his presence before the SHO concerned, after every 15 days and in case the SHO refuses to mark his presence, he is permitted to make an application before the Illaqa Magistrate, concerned.
- IV. He will not leave the country without the prior permission of the Court, for which he will submit the copy of his passport also.

7. The petitioner shall abide by the terms and conditions as imposed in addition to Section 439 of Cr.P.C.
8. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case.

10.05.2023
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(ALOK JAIN)
JUDGE

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