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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-57998-2022 (O&M)
Date of decision : 24.08.2023

Pardeep Kumar

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Aman Pal, Advocate for the petitioner.

Ms. Mayuri Lakhanpal Kalia, DAG Haryana.

Mr. Sanjeev Majra, Advocate for the complainant.

ALKA SARIN, J. (ORAL)

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.562 dated 07.09.2022 under Sections 376, 452, 506 of the Indian Penal Code, 1860, registered at Police Station Ladwa, District Kurukshetra.

2. Learned counsel for the petitioner would contend that the complainant in the present case is a divorced lady having two children. The allegations in the FIR are that the petitioner had committed rape repeatedly on the pretext of marriage starting from July 2020. It is further contended that there was no promise to marry or any relationship with the complainant-prosecutrix and it was actually a money transaction due to which the present FIR was lodged. Learned counsel would submit that no medical was

conducted in the present case. It is further the contention that the complainant-prosecutrix stands examined and cross-examined in the present case and she has also accepted the factum of a previous compromise in the present matter as also the fact that the petitioner had taken some money from her. It is further the contention that the petitioner has been in custody for a period of 10 months and 06 days.

3. 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 10 months and 06 days. Learned State counsel has further pointed out that the petitioner is already involved in two other cases, however, she is not in a position to deny the fact that the petitioner is on bail in both the said cases. Learned State counsel is also not in a position to deny that the complainant-prosecutrix stands examined and cross-examined in the present case.

4. Learned counsel for the complainant has vehemently contested the grant of bail to the petitioner. It is the contention that there are serious allegations made against the petitioner in the present case and hence the bail ought not to be granted.

5. Heard.

6. In the present case the petitioner has been in custody for a period of 10 months and 06 days. The complainant-prosecutrix stands examined and cross-examined. The present FIR is bereft of any details as to when the alleged incidents are stated to have taken place. There is no

medical on the record to fortify the stand of the complainant-prosecutrix. Further still, the complainant-prosecutrix has admitted that there was some dispute regarding financial transactions in her examination and cross-examination. Though the petitioner is involved in two other cases, however, he is on bail in the said cases. 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.

24.08.2023

Yogesh Sharma

(ALKA SARIN)
JUDGENOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO