



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M No.13540 of 2024
Date of Decision: 30.09.2024

Hemant @ Hemant Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Argued by- Mr. Baljeet Beniwal, Advocate,
for the petitioner.

Mr. Sidhant, AAG, Haryana,
for the respondent-State.

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MEENAKSHI I. MEHTA, J.

By way of the instant petition, the petitioner, above-named, has sought the relief of regular bail in the criminal case arisen out of the FIR bearing No.69 dated 19.06.2023 registered at Women Police Station Palwal, District Palwal, under Sections 376, 420, 323 & 506 IPC.

2. Bereft of unnecessary details, the allegations, as levelled by the complainant-prosecutrix (here-in-after to be referred as 'P') in the subject FIR, are that on account of the death of her husband in the year 2013, she had received the amount of ex-gratia grant and was also getting pension. The petitioner started having physical relations with her on the pretext of marrying her but later-on, he refused to marry her and raped her and he had withdrawn the amount from her bank account.



3. Status-Report has already been filed on behalf of the respondent-State (by way of the affidavit of the Deputy Superintendent of Police, Palwal), along-with Annexures R-1 to R-5 and vernacular versions of Annexures R-2 to R-4.

4. I have heard learned counsel for the petitioner as well as learned State counsel in the present petition and have also perused the file carefully.

5. Learned counsel for the petitioner has contended that 'P' was 37 years old and had three grown up children whereas the petitioner was just 17 years old at the relevant time and they were having consensual relationship and in fact, due to some monetary dispute between them, 'P' has filed a complaint against the petitioner under Section 138 of the Negotiable Instruments Act and has got him falsely implicated in the case and moreover, the petitioner is alleged to have beaten and raped 'P' on 30.03.2023 but the FIR was registered on 19.06.2023 and thus, there was a delay of more than 2½ months in lodging the FIR and as specifically mentioned in her Medico-Legal Report (Annexure P-3), 'P' had refused for any kind of internal or external medical examination and to add to it, the Challan has been presented and the Charges have been framed and 'P' has also been examined as PW-1 by the trial Court and in these circumstances, the petitioner deserves the relief, as prayed for in the instant petition.

6. Though, learned State counsel has not disputed the factum of the age of 'P' and the petitioner, delay in lodging the FIR and the above-referred contents of the MLR Annexure P-3 and the stage of the trial proceedings as well but however, he has opposed the prayer of the petitioner for the grant of relief of regular bail.



7. Keeping in view the afore-discussed facts and circumstances and also the fact that the trial of the case is likely to take sufficient time to conclude and without commenting or expressing any opinion on the merits of the criminal case under reference, the petition in hand is, hereby, allowed and the petitioner Hemant @ Hemant Kumar is ordered to be released on regular bail subject to his furnishing the requisite personal and surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

September 30th, 2024
seema

(MEENAKSHI I. MEHTA)
JUDGE

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