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113 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-30028-2024 (O&M)
Date of Decision: 02.09.2024

ANIMESH SINGH

.....PETITIONER

Vs.

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present:- Mr. Abhilaksh Grover & Ms. Nandani Gora, Advocates,
for the petitioner.

Mr. Amrik Singh Narwal, D.A.G. Haryana.

HARPREET KAUR JEEWAN J. (ORAL)

1. The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No. 100, dated 02.03.2024 under Sections 376 (2) (N), 323 and 506 of the IPC, registered at Police Station Badhshahpur, District Gurugram.
2. Learned counsel for the petitioner *inter alia* contends that the petitioner has been implicated in a false case. There was a friendship between the petitioner and the prosecutrix and there was also a consensual relationship for four years between them. However, there was no coercion on the part of the petitioner. The prosecutrix is a married woman and she was not happy in her matrimonial life. The present FIR was lodged when the petitioner told the complainant that he is going to get engaged to a girl in the month of January 2024.
3. It is further contended that now, the matter stands compromised between the petitioner and the prosecutrix and the prosecutrix has also



executed an affidavit dated, 23.05.2024/06.06.2024 (Annexure P-4) that she does not want to take any action against the present petitioner.

3. Learned counsel for the State has opposed the present petition while referring to the status report filed by way of an affidavit of Sh. Abhilaksh Joshi, HPS, Assistant Commissioner of Police, Sohna, Gurugram. It is contended that there are specific and serious allegations against the petitioner.

3.1 Custody certificate, dated 02.09.2024, of the petitioner showing actual undergone period of 04 months and 09 days has been filed in Court today by learned State Counsel. The same is taken on record.

4. I have heard the contentions raised by learned counsel for the parties and perused the relevant documents on record.

5. Both the petitioner and the prosecutrix are major. The prosecutrix is 30 years of age, as per her statement recorded under the provisions of Section 164 Cr.P.C. (Annexure R-1). In the said statement, she disclosed that she was married for the last 13 years and her child was 05 years old when she met with the petitioner.

6. The prosecutrix has further stated in the said statement that she was subordinate to the petitioner and they developed relationship within one month of her joining and when she told about this fact to her family after 06 months, her husband gave beatings to her. However, the petitioner told the prosecutrix that he would marry the prosecutrix and would facilitate her in getting a decree of divorce from her husband. She has further levelled an allegation that on 18.02.2024, she learnt that the petitioner got married to someone else.



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7. The investigation is complete. The final report (‘*challan*’) under the provisions of Section 173 (2) of the Cr.P.C. has been presented in the Court on 12.06.2024. There are 20 prosecution witnesses. Conclusion of the trial is going to take time. The petitioner is in custody for the past 04 months and 09 days. There is no other history of criminal case against the petitioner.

8. Keeping in view the above facts and circumstances, without making any comment on the actual merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing adequate bail bonds and surety bonds to the satisfaction of the learned trial Court.

9. It is made clear that nothing observed hereinabove will be taken to be an observation on the actual merits of the case, which would be taken up by the learned trial Court wholly on the basis of evidence led/gathered before it.

10. Pending miscellaneous application(s), if any, shall also stand disposed of.

September 02, 2024
nitin

(HARPREET KAUR JEEWAN)
JUDGE

Whether Speaking	Yes
Whether reportable	No