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**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

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Date of decision: 04.11.2024

Rohan

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Pradeep Panwar, Advocate
for the petitioner (through video-conferencing).

Mr. Kirpal Singh Thakur, AAG, Haryana.

HARPREET KAUR JEEWAN, J.

1. The present petition has been filed under Section 439 of Code of Criminal Procedure for grant of regular bail to the petitioner in case bearing FIR No.646 dated 31.12.2023 under Sections 376(2)(N) of IPC, 1860 registered at Police Station Dabua, Faridabad.

2. As per the prosecution case, the case was registered on the basis of a statement of the prosecutrix/complainant, who is 24 years of age, with the allegations that she is married and having a 4 years old son, however, there was a matrimonial dispute *inter se* the complainant and her husband. The petitioner and the complainant became friends and the petitioner is alleged to have told the complainant that he wants to solemnize marriage with her. Thereafter, the petitioner had been making forceful physical relationship with the prosecutrix at various places by going to hotels and the house of the friends. Ultimately, the petitioner is alleged to have refused to solemnize the marriage with the prosecutrix.

3. Learned counsel for the petitioner contends that there was consensual



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relationship inter se the petitioner and the prosecutrix. Both are major and the FIR has been falsely registered against the petitioner.

4. Status report by way of affidavit of Narender Kumar, HPS, Assistant Commissioner of Police, Badkal has been filed and the same is taken on record.

5. On the other hand, learned State counsel has opposed the bail petition by referring the DNA examination report by Forensic Science Laboratory, Madhuban, Karnal and submits that even the DNA matched. It is submitted that statements of the material prosecution witnesses including the prosecutrix are yet to be recorded. The petitioner has undergone 6 months and 23 days of custody as under-trial.

6. I have heard the learned counsel for the parties and perused the relevant documents.

7. Keeping in view the facts and circumstances of the case and the custody period of the petitioner and considering the fact that investigation of the case is complete; and that the conclusion of trial will take time as there are total 15 witnesses and as such, without commenting any opinion on the merits of the case the present petition is allowed.

8. The petitioner is ordered to be released on regular bail, subject to his furnishing adequate bonds and surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

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

(HARPREET KAUR JEEWAN)
JUDGE

04.11.2024
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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No