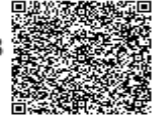


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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

2024:PHHC:110068



CRM-M-40424-2024 (O&M)
DATE OF DECISION : 27.08.2024

PARVEEN KUMAR

... PETITIONER

V/S

STATE OF HARYANA

... RESPONDENT

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Ajay Saini, Advocate and
Ms. Parul Saini, Advocate for the petitioner.
Mr. Kirpal Singh Thakur, AAG, Haryana assisted by
ASI Poonam.

* * *

HARPREET KAUR JEEWAN, J. (ORAL)

1. The instant petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) seeking regular bail in case FIR No. 353 dated 19.05.2023 under Sections 323, 376(2)(n), 506 IPC, registered at Police Station Chandni Bagh, District Panipat.
2. Custody certificate dated 24.08.2024 has been taken on record. As per the custody certificate, the petitioner has undergone 01 year and 01 day of custody.
3. There are allegations against the petitioner that he had repeatedly committed rape upon the prosecutrix with the promise to solemnize marriage with her, however, the petitioner had no intention to solemnize marriage with her.
4. Learned counsel for the petitioner *inter alia* contends that the prosecutrix was married and she came in contact with the petitioner who is unmarried through social media. Prosecutrix is alleged to have obtained

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divorce after she came in contact with the petitioner. The petitioner is in custody for a period of more than 1 year.

5. Learned State counsel has opposed the present petition.

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

7. The petitioner is facing the trial that he has committed rape upon the prosecutrix on the pretext of solemnizing marriage with her. It is not disputed that the prosecutrix was married at the time when the relationship started. The investigation of the case is complete and the final report under Section 173 Cr.P.C. has already been presented in the Court. Out of 13, only 2 witnesses have been examined so far. The allegations against the petitioner are a matter of Trial. The conclusion of the trial is going to take time. There is no other history of any other case against the petitioner. Consequently, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing adequate bail bonds and surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

8. However, it is made clear that nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.

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

27.08.2024

Janki

(HARPREET KAUR JEEWAN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No