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2024 : PHHC : 053261

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-16331-2024 in/and
CRM-M-49470-2023 (O&M)
DATE OF DECISION : 20.04.2024

RAJU

... PETITIONER

V/S

STATE OF HARYANA

... RESPONDENT

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Surender Dhull, Advocate for the petitioner.

Ms. Mayuri Lakhanpal Kalia, DAG, Haryana.

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HARPREET KAUR JEEWAN, J. (ORAL)

CRM-16331-2024

1. This is an application for placing on record the copy of the statement of the victim on oath as Annexure P-5. The same is allowed to be taken on record, subject to all just exceptions.

2. Registry is directed to tag the same at the appropriate place.

3. Disposed of.

Main case

4 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. 17 dated 12.03.2023 under Sections 313, 354-D, 376(2)(n), 406, 506 IPC registered at Police Station Women, District Jind, Haryana.

5. Reply by way of affidavit of Joginder Singh, Deputy Superintendent of Police, Jind on behalf of the State has already been filed.

6. Learned counsel for the petitioner contended that the FIR was registered due to some misunderstanding. Now the matter stands compromised.

7. Learned State counsel has opposed the bail application on the ground of gravity of allegations.

8. The FIR was registered at the instance of the complainant Sxxx with the allegations that she came in contact with the petitioner through Viber App in the year 2017 and the petitioner told the prosecutrix that he is unmarried and expressed his love and also expressed his intention to marry the prosecutrix. On 19.10.2020, the petitioner made physical relationship with the prosecutrix in a hotel and thereafter, the petitioner has been continuously having physical relationship with the prosecutrix on the pretext of marriage. It is further alleged that twice the prosecutrix became pregnant and petitioner forcibly gave her pills to terminate the pregnancy. Initially, the prosecutrix has supported her version in her statement recorded under Section 164 Cr.P.C. As per the medico-legal report of the prosecutrix (Annexure R-1) which has been appended by the State along with the status report, the age of the prosecutrix is 38 years and she is having two children. No fresh external marks of injury were seen and she refused for her internal medical examination. Petitioner has sought bail on the ground that compromise *inter se* petitioner and the prosecutrix on the basis of affidavit has been executed.

9. As per the order dated 07.03.2024, the trial Court has recorded the statement of the prosecutrix on 20.03.2024 (Annexure P-5). In the said statement, the prosecutrix has confirmed the factum of compromise *inter se*

CRM-M-49470-2023 (O&M)

the parties. Both the parties are major. Investigation of the case is complete. Final report under Section 173 Cr.P.C. has been presented. The charges have been framed. As per the custody certificate appended with the status report dated 16.10.2023, the petitioner is in custody since 22.03.2023. Further keeping the petitioner in custody during trial would not serve any fruitful purpose.

10. In view of the aforesaid facts and circumstances, the petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing adequate bonds/surety to the satisfaction of the trial Court/Chief Judicial Magistrate, concerned.

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

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

20.04.2024

Janki

**(HARPREET KAUR JEEWAN)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No