

Sr. No.220+108

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-4223-2024 in/and
CRM-M-60869-2023
Date of decision: 31st January, 2024

RAJAUL ANSARI @ RAJAVALPetitioner

versus

STATE OF HARYANARespondent

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Ranjeet Kumar Jaswal, Advocate
for the applicant-petitioner.

Mr. Kirpal Singh Thakur, AAG, Haryana.

HARPREET KAUR JEEWAN, J. (ORAL)

CRM-4223-2024

Allowed as prayed for. Marriage Certificate/Nikahnama of the petitioner and complainant dated 21.01.2024, is taken on record as Annexure P-5, subject to all just exceptions.

CRM-M-60869-2023

1. The instant petition has been filed by the petitioner under Section 439 of the Code of Criminal Procedure, 1973 seeking regular bail in case FIR No.124 dated 10.09.2023, under Section 376(2)(n) of IPC, registered at Police Station Women West, District Gurugram (Annexure P-1).
2. It is in allegation against the petitioner that on 12.03.2022, the petitioner and the complainant met for the first time at Central Plaza Hotel, where the petitioner promised to marry the complainant and forcibly developed physical relations with her in the hotel room. Thereafter also, on various occasions, on the

pretext of marrying the complainant, the petitioner continued making physical relations with her despite her refusal.

3. Learned counsel for the petitioner *inter alia* contends that the FIR was registered on account of a misunderstanding. Both the petitioner and the complainant are major and they have solemnized marriage on 21.01.2024, as per the marriage certificate (Annexure P-5).

4. On the other hand, learned State counsel opposes the bail on the ground of gravity of allegations levelled against the petitioner.

5. Learned State counsel has informed that investigation is complete and final report under Section 173 Cr.P.C. has already been presented before the trial Court and 03 witnesses have been examined during the trial.

6. Learned counsel for the complainant has confirmed the factum of marriage between the petitioner and the complainant and he has no objection if the bail application of the petitioner is allowed.

7. Conclusion of trial is likely to take some time and there is no apprehension of absconding the petitioner during the trial. Without commenting on the merits of the case and keeping in view the above facts, the present 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/CJM, concerned.

8. All the pending miscellaneous applications, if any, shall stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

31st January, 2024
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