



226
IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-11065-2025 (O&M)
Date of Decision: 08.04.2025

Bhure

....Petitioner(s)

Versus

State of Haryana

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Baljeet Beniwal, Advocate, for the petitioner.

Mr. Gagandeep Singh Chhina, AAG, Haryana.

JASGURPREET SINGH PURI, J. (Oral)

1. The present is a second petition filed under Section 483 of BNSS for grant of regular bail to the petitioner in FIR No.575 dated 25.11.2023, under Sections 376(2) (n), 323, 346, 406 and 506 IPC, registered at Police Station Dabua, District Faridabad.

2. Learned counsel appearing on behalf of the petitioner submitted that it is a case where the petitioner is in custody from 22.09.2023 which is almost 1 year and 4 months. He submitted that it is a case where as per the allegations, the prosecutrix who was of the age of 20 years at the time of occurrence has alleged that the petitioner on the false pretext of marriage had entered into a physical relationship with her. He submitted that it is a case where the prosecutrix is a girl of a mature understanding being of the age of 20 years and therefore, the offence under Section 376(2) (n) IPC would not be made out.



3. Learned counsel further submitted that even otherwise also at the time of deposition before the Court as PW-1, the prosecutrix has not supported the prosecution version and rather she has so stated that her signatures were taken on blank papers and in this way, she was declared as hostile. He submitted that in this way, the petitioner has been falsely implicated in the present case and even otherwise, the prosecutrix has already married with somebody else and the fact that she has already been examined and not supported the prosecution version, the petitioner may be considered for the grant of regular bail and also on the ground that incarceration of the petitioner is about 1 year and 4 months.

3. On the other hand, Mr. Gagandeep Singh Chhina, AAG, Haryana appearing on behalf of the State of Haryana submitted that so far as the custody of the petitioner is concerned, the same is correct and it is also correct that the prosecutrix has not supported the prosecution version at the time of deposition and has been declared hostile.

4. I have heard the learned counsels for the parties.

5. It is a case where the allegations against the petitioner were with regard to the allegations made by the prosecutrix that the petitioner on the false pretext of marriage had entered into physical relationship with her. The prosecutrix was of the age of 20 years at the time of occurrence and she is now married to somebody else as per the learned counsel for the petitioner. As per Annexure P-2, the prosecutrix has already been examined as PW-1 and she has not supported the prosecution version and she has been declared as hostile. Furthermore, it is not the case of the State that in case the petitioner is released on bail, then he may influence any witness or may



tamper with evidence or may flee from justice.

6. Consequently, the present petition is allowed. The petitioner shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.

7. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

08.04.2025

rakesh

(JASGURPREET SINGH PURI)

JUDGE

Whether speaking	:	Yes/No
Whether reportable	:	Yes/No