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

CRM-M-32976-2025

Date of Decision:26.06.2025

Ramesh Kumar

...Petitioner

vs.

State of Haryana

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Suresh Kumar, Advocate
for the petitioner.

Mr. Rajinder Kumar Banku, Deputy Advocate General, Haryana.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail to him in case FIR No.77 dated 22.02.2024 registered under Sections 363, 366, 376(2) of IPC, at Police Station Nissing, District Karnal, Haryana.

2. Learned counsel for the petitioner contends that the petitioner has been falsely involved in the present case and was arrested on 10.06.2024. He further contends that in fact, the alleged victim and the petitioner were having a love affair and had also performed marriage. Learned counsel has relied upon the Aadhaar Card (Annexure P-4) of the alleged victim to contend that on the date of registration of the FIR, she was major and had run away from her home out of her own free will. Learned counsel for the petitioner has further referred to the deposition of the alleged prosecutrix "P" daughter of "A and S"

(Annexure P-5) to contend that in her cross-examination, the alleged prosecutrix had admitted that she was in love with the accused, who knew the accused for the last 5 to 6 years. Even they used to go to ITI together and were residing as tenants in a same building. She further admitted that they had decided to get married and she had also taken away her Aadhaar Card for marriage purpose. She further admitted that she had performed marriage at Gorkhdham near village Mehsari, District Smastipur and at the time of marriage, the Priest of Temple had taken their Aadhaar cards and she had handed over Aadhaar Card (Ex.D1) to the Priest. The Priest got performed their marriage as per Hindu Rites and Sapatpadi was performed. Thereafter, the alleged prosecutrix and the petitioner stayed in the house of Sheela, maternal aunt of the petitioner for one month. They also resided in Smastipur in Delhi for about three months and also clicked their photographs. She further admitted that during her stay with the petitioner, she used to call up her family members on mobile phone and their family members have also accepted their marriage and called them to live at Nissing with them. She further admitted that after reaching Nissing, her mother took her to their house and did not allow her to go to the house of the petitioner. She was even asked by her family members to get her re-married and did not permit her to live with the petitioner at his house, as his wife. Not only this, her family members pressurised her to lodge the FIR against the accused. Thus, learned counsel contends that the petitioner has been falsely involved in the present case. Learned counsel further contends that even the material witnesses have already been examined by the prosecution and the petitioner is not in a position to influence the witnesses of the prosecution.

3. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that serious allegations have been levelled against the present petitioner and the petitioner had committed rape on a minor girl.

4. I have heard the learned counsel for the parties and perused the record.

5. In the present case, learned counsel for the petitioner has extensively referred to the testimony of the alleged prosecutrix/victim, which clearly shows that she had admitted her relationship and marriage with the present petitioner. Even in her deposition, she had clearly admitted that she was pressurised by her family members to lodge the FIR against the petitioner and was not permitted to go with the petitioner.

6. Thus, at this stage, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

(N.S.SHEKHAWAT)
JUDGE

26.06.2025
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No