



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

**CRM-M-45692-2024 (O&M)
Date of Decision:-21.01.2025**

Pardeep @ Sonu

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. R.N. Lohan, Advocate for the petitioner. petitioner.

Mr. Vishal Kashyap, DAG, Haryana

JASGURPREET SINGH PURI J.(Oral)

1. The present petition has been filed under Section 483 of BNSS, 2023, for grant of regular bail to the petitioner in case bearing FIR No.62 dated 26.04.2024 under Sections 376(2) (n), 452 and 506 of IPC registered at Police Station Women Police Station Jind, District Jind.

2. Learned counsel appearing on behalf of the petitioner submitted that the petitioner has been in custody for about 7 months, as he was arrested on 09.06.2024. He further submitted that the police has already completed the investigation, the challan has been presented and charges have already been framed. He submitted that it is a case where the prosecutrix is a widow since her husband died in 2016 and she made allegations against the petitioner, stating that she started talking to the petitioner and it is mentioned in the FIR that he filled sindoor on her head in a temple, which means they got married and thereafter they established physical relations. As per the FIR, it is also



stated that she later came to know that the petitioner is already married and has children and in this way, the dispute arose between the parties. The petitioner had taken an amount of Rs. 17,00,000/- from the prosecutrix, which she had got after she sold her plot and thereafter a cheque was given by the petitioner to the prosecutrix, which was dishonored. It was because of this financial dispute that the present FIR has been registered. He further submitted that, even as per the FIR, the relationship started in 2020 and continued until 2024 i.e., for a span of four years. According to the FIR, the relationship was consensual, and the prosecutrix, being 40 years old, is a woman of well-matured understanding. Therefore, no such offence has been committed by the present petitioner in this case and otherwise also it was a financial dispute between the parties, which has been given a colour of Section 376 (2) (n) of IPC. He further asserted that considering the fact that the investigation in the present case has already been completed and the petitioner has already faced incarceration for about 7 months, the petitioner may be considered for the grant of regular bail.

3. On the other hand, learned State counsel submitted that, insofar as the custody of the petitioner is concerned, charges in the present case have already been framed. He opposed the grant of regular bail to the petitioner on the grounds that the matter is serious in nature, as the petitioner, under the false pretext of marriage developed physical relations with the prosecutrix and thereafter embezzled an amount of Rs. 17,00,000/- which was given by the prosecutrix to the petitioner.

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



5. The custody of the petitioner has come out to be 07 months. The investigation in the present case has been completed and the trial of the case has already started. No prosecution witness has been examined till date as per learned counsel for the parties. A perusal of the FIR which is of the year 2024 would show that as per the allegations, the petitioner and the prosecutrix who is a widow of the age of 40 years established physical relations with each other on the understanding that they would marry each other and as per complainant-prosecutrix, the petitioner also filled *sindoor* in the head of the prosecutrix and thereafter they were living together. It has also come in the FIR that thereafter the prosecutrix after selling her plot had given Rs.17,00,000/- to the petitioner and as per learned counsel for the parties, the petitioner gave a cheque to the complainant which stands dishonoured. It is a case of the learned counsel for the petitioner that the dispute was infact a financial dispute between the parties and not related to the fact that they were staying together and having physical relations.

6. Be that as it may, the present petition has been filed seeking grant of regular bail to the petitioner, who has already faced incarceration for 7 months. The prosecutrix is stated to be 40 years old and has a mature level of understanding. They stayed together for about 4 years and after this period, the present FIR was lodged. One of the allegations also pertains to the misappropriation of Rs. 17,00,000/-, which was allegedly given by the prosecutrix to the petitioner.

7. Having considered the totality of the facts and circumstances of the present case, this Court is of the considered view that the present petitioner deserves the concession of regular bail.



8. Consequently, the present petition is allowed. The petitioner shall be released on regular bail, if not required in any other case, subject to furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

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

(JASGURPREET SINGH PURI)
JUDGE

21.01.2025

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