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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-2136-2025(O&M)
Date of Decision: 21.01.2025

Aman Sisodia

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Amit Choudhary, Advocate, for the petitioner.

Mr. Vishal Kashyap, DAG, Haryana.

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Section 483 of BNSS for grant of regular bail to the petitioner in FIR No.400 dated 11.09.2024, under Sections 376(2) (n), 328 and 506 of IPC, registered at Police Station Kotwali, District Faridabad.

2. Learned counsel appearing on behalf of the petitioner submitted that the petitioner is in custody for about 4 months since he was arrested on 11.09.2024 and investigation of the case is complete and challan has been presented, although charges have not been framed till date. He submitted that the allegations against the petitioner were that the petitioner came in the contact of the complainant for the purpose of fetching some material from the company where the complainant was employed and thereafter relationship was established between them and he represented to the prosecutrix that he is a bachelor and he will get married to her and



thereafter, he established physical relationship with her on the pretext of promise of marriage, whereas later on it was found that the petitioner is already married and he has three children and thereafter, the relationship turned sour and it was a case where allegedly the petitioner has committed a fraud upon the prosecutrix and therefore, the aforesaid FIR was got lodged.

3. Learned counsel submitted that it is a case where even the prosecutrix who is the complainant had not disclosed to the petitioner that she was already married and rather an FIR was registered by her against her husband and in-laws in the year 2018 and now he has come to know about the aforesaid FIR which is still pending and the aforesaid FIR has also been attached with the present petition as Annexure P-3. He submitted that in this way assumingly even if some physical relationship has been established between the parties which was by way of a consent and the prosecutrix is a major of the age of 28 years, therefore, no offence is made out in the present case and considering the aforesaid fact that investigation of the case has already been completed, the petitioner may be considered for the grant of regular bail.

4. On the other hand, Mr. Vishal Kashyap, learned DAG, Haryana has submitted that so far as the custody of the petitioner is concerned, it is correct that he is in custody for about 4 months and investigation of the case has been completed and challan stands presented. He submitted that it is a case where on the basis of false promise of marriage, the petitioner established physical relationship with the prosecutrix because later on it was found by the prosecutrix that the petitioner was already married and that



was the reason as to why the present FIR was lodged.

5. Ms. Sonia, Advocate has appeared on behalf of the complainant/prosecutrix and stated that the petitioner has committed a fraud upon her by concealing that he is already married and that is the reason as to why the FIR was lodged against the petitioner on the discovery of the fact that he is already married and having three children.

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

7. This Court had put a pointed query to the learned counsel for the complainant/prosecutrix as to whether she was already married at the time when she met the petitioner or not to which she submitted that she was already married and so far as the FIR Annexure P-3 is concerned, the same was lodged by her against her husband.

7. The petitioner is in custody for about 4 months and as per learned counsels for the parties, the investigation of the case has been completed and challan stands completed. The age of the prosecutrix is stated to be 28 years. From both the FIRs i.e Annexure P-1 and P-3, it appears that both the petitioner and the prosecutrix were already married and the prosecutrix being of the age of 28 years and already married was having sufficient maturity for having any relationship with any person concerned. Therefore, considering the aforesaid totality of facts and circumstances and the fact that the investigation of the case is complete, this Court deems it fit and proper to grant regular bail to the petitioner.

7. 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, if not



required in any other case.

8. 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.

21.01.2025

rakesh

(JASGURPREET SINGH PURI)
JUDGE

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