

## Kapil Vs State of Haryana

**Court:** High Court Of Punjab And Haryana At Chandigarh

**Date of Decision:** July 13, 2006

**Citation:** (2006) 3 RCR(Criminal) 799

**Hon'ble Judges:** Ajai Lamba, J

**Bench:** Single Bench

**Advocate:** S.S. Khurana, for the Appellant; S.K. Hooda, D.A.G., Haryana, for the Respondent

**Final Decision:** Allowed

### Judgement

@JUDGMENTTAG-ORDER

Ajai Lamba, J.

The allegations against the applicant-appellant are that he committed rape upon the prosecutrix. However, learned counsel

for the applicant has referred to the fact that the prosecutrix, admittedly, was first taken to Mohindergarh, then to Jaipur, Narnaul and back to

Mohindergarh in public transport. Further contends that despite the fact that the prosecutrix remained with the applicant for 4 days, no resistance

was shown, which establishes consent. The question of age of the prosecutrix would be a matter of evidence as it is stated to be 16-1/2 years.

Further states that the appeal would not be heard in the near future.

2. Sentence of the applicant-appellant is hereby suspended.

3. Bail to the satisfaction of CJM, Narnaul.

Appeal allowed.