

**Sr. No. 217
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM No. M-27701 of 2015
Date of Decision: 01.09.2015**

Nandu @ Narender

--Petitioner

Vs

State of Haryana

--Respondent

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : Mr. J.S.Hooda, Advocate,
for the petitioner.

Mr. Ashish Yadav, Addl. A.G.Haryana.

RAMESHWAR SINGH MALIK J. (ORAL)

Petitioner seeks bail pending trial in FIR No. 269 dated 02.05.2015 under Sections 452/376/511/323/506/34 of the Indian Penal Code, registered at Police Station City Palwal, District Palwal.

Learned counsel for the petitioner submits that petitioner is a married person and the prosecutrix was also a married woman. The allegation levelled against the petitioner is factually incorrect. There is no allegation under Section 376 IPC as such. He would next contend that as per the allegations levelled against the petitioner in the FIR it would have been a case of Section 354 IPC. However, petitioner has been falsely implicated in the present case. He prays for allowing the present petition.

On the other hand, learned counsel for the State on instructions from ASI Vinod Kumar, Police Station City Palwal,

District Palwal submits that since there are direct and serious allegations against the petitioner, he is not entitled for the concession of bail pending trial. He further submits that the charges have already been framed. There is no delay in conducting the trial. He prays for dismissal of the present petition.

Having heard the learned counsel for the parties, after careful perusal of the record of the case and giving thoughtful consideration to the contentions raised, this Court is of the considered opinion that in the given fact situation of the present case, petitioner has been found entitled for bail pending trial. It is a matter of record and not in dispute that petitioner as well as prosecutrix were married persons. Further, admittedly there is no allegation of rape levelled by the prosecutrix against the petitioner. In such a situation it will be a debatable issue before the learned trial Court whether any offence under Section 376 has been made out against the petitioner or not.

In view of the above and without commenting anything further on the merits of the case, lest it should prejudice the rights of either of the parties, present petition is allowed. Petitioner is directed to be released on bail pending trial, on his furnishing adequate bail bonds/surety bonds to the satisfaction of learned trial Court.

Disposed of, accordingly.

(RAMESHWAR SINGH MALIK)
JUDGE

01.09.2015
vandana