

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

Crl. Misc. No.M-37666 of 2015

Date of Decision: 16.11.2015

Mangtu

....Petitioner

Versus

State of Haryana

....Respondent

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

- 1. Whether reporters of local newspapers may be allowed to see the judgment ? (Yes/No)**
- 2. To be referred to reporters or not ? (Yes/No)**
- 3. Whether the judgment should be reported in the Digest ? (Yes/No)**

Present:- Mr. Naveen Singh Panwar, Advocate
for the petitioner.

Mr. Vikas Malik, D.A.G., Haryana
for the respondent-State.

DAYA CHAUDHARY, J. (ORAL)

This petition has been filed under Section 439 Cr.P.C for grant of regular bail to the petitioner in case FIR No.213 dated 01.08.2015 registered under Sections 376-D/506/120-B IPC at Police Station Baroda.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the case, whereas, the stand of the complainant is contradictory. He further submits that the complainant solemnized marriage with brother of the petitioner and they filed protection petition before the District and Sessions Judge, Sonapat claiming that the complainant is apprehending threat at the instance of family members, including the present petitioner and his wife. The petitioner was one of the respondents in the protection petition. As per allegations in the FIR, the marriage of the complainant was solemnized at the instance of the petitioner with his younger brother, whereas, the stand of the complainant

in the protection petition was that it was a case of love marriage and there was a threat from the present petitioner and other persons of the family. Learned counsel also submits that even the allegations of rape are there against husband of the complainant, who has been released on regular bail. Learned counsel also submits that the petitioner has falsely been implicated in the case, without any offence being made out against him on the basis of allegations. The challan has been presented and charge has also been framed. The trial may take long time to conclude and no useful purpose would be served by keeping the petitioner behind bars as he is in custody since 04.08.2015.

Learned counsel for the respondent-State has not disputed the grant of regular bail to co-accused of the petitioner and also the fact that the complainant and co-accused Vijaypal filed a protection petition before the District and Sessions Judge, Sonapat.

In view of the submissions made by learned counsel for the petitioner and also considering the fact that as per allegations levelled in the FIR, the marriage of the complainant was solemnized with younger brother of the petitioner, whereas, in the protection petition, the allegations were there against the petitioner that the complainant was apprehending threat because of her marriage with younger brother of the petitioner; it is clear that the stand of the complainant is contradictory. Co-accused of the petitioner, namely, Vijaypal has already been released on regular bail and Jyoti has been found innocent by the Investigating Agency, the present petition is allowed and the petitioner is directed to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court.

16.11.2015
gurpreet

(DAYA CHAUDHARY)
JUDGE