

214

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

CRM-M-40501 of 2015

Date of decision: December 04, 2015

Naresh Kumar

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Jasbir Mor, Advocate
for the petitioner.

Ms. Mahima, AAG Haryana.

SABINA, J

Petitioner has filed this petition under Section 439 of the Code of Criminal Procedure, 1973 seeking regular bail in FIR No.173 dated 10.07.2015, under Sections 376 (D), 376 (2) (n), 506 of the Indian Penal Code, 1860, registered at Police Station Narwana City, Narwana, Tehsil Narwana, District Jind.

Prosecution story, in brief, is that the complainant knew the petitioner for the last about 10/15 years. Husband of the complainant remained ill and died on 14.08.2014. Thereafter, petitioner developed physical relations with the complainant on the assurance that he would perform marriage with her. Complainant was running a dairy farm and the income from the said farm remained with the

petitioner. When the complainant asked the petitioner to perform marriage with her, petitioner postponed the matter on the one pretext or the other. In fact, the petitioner also forced the complainant to develop relations with his friend Karam Chand. Complainant became suspicious and came to know that the petitioner had got married about 4/5 years back.

Learned counsel for the petitioner has submitted that the petitioner has been falsely involved in this case. In fact, the petitioner and the prosecutrix were running the dairy farm and due to some money dispute between the parties, petitioner has been falsely involved in this case. As per Annexure P-1, compromise effected before the Panchayat/ son and relatives of the prosecutrix, she had agreed to make payment to the tune of ₹1,80,000/- to the petitioner. It was further agreed between the parties that petitioner shall not demand the said amount upto 17.06.2015.

Learned State counsel, on the other hand has opposed the petition.

In the present case, petitioner is in custody since 11.07.2015. Challan has already been presented in the Court and conclusion of trial may take time. As per the prosecutrix, she was known to the petitioner for the last about 10/15 years. Husband of the prosecutrix and the

petitioner were running a dairy farm. After the death of the husband of the prosecutrix, she started running the dairy farm with the petitioner. Form Annexure -1, it appears that some money dispute arose between the parties and the same was amicably resolved. Although, the case of the prosecutrix is that she had developed physical relations with the petitioner on his promise that he would perform marriage with her but the said fact would be a debatable issue as the prosecutrix knew the petitioner for 10/15 years prior to the registration of the FIR.

In the facts and circumstances of the present case, it would be just and expedient to order the release of the petitioner on bail.

Accordingly, without expressing any opinion on the merits of the case, this petition is allowed. Petitioners be admitted to bail subject to the satisfaction of Chief Judicial Magistrate, Jind.

**(SABINA)
JUDGE**

December 04, 2015
mahavir