

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

**CRM-M No. 42057 of 2015 (O&M)
Date of Decision: 17.12.2015**

Shamsher

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Sandeep Lather, Advocate
for the petitioner.

Mr. Rajiv Doon, AAG, Haryana
for the respondent/State alongwith ASI Ram Mehar Singh.

JASWANT SINGH, J. (ORAL)

The husband/petitioner, who has been arrayed as one of the accused by his wife-Seema (complainant) on the allegations of rape upon her by her *Jeth* in the presence of the husband, has filed the present petition seeking regular bail in case FIR No. 89 dated 05.04.2015 for the offences punishable under Sections 376, 498-A, 120-B and 506 of the Indian Penal Code, registered at Police Station Jind Sadar, District Jind (**Annexure P-1**).

The petitioner and the complainant are concededly married since 2005 and have two children born out of such wedlock. There is also a history of marital discord between them. It is thus contended that a false case has been foisted to put pressure upon the petitioner. It is further contended that the petitioner is in custody since 06.04.2015 and after the completion of the investigation challan has been presented, apart from the fact that co-accused-*Jeth* has since been

released on bail.

Learned State Counsel, assisted by ASI Ram Mehar Singh is unable to refute the aforesaid factual position and states that co-accused-*Jeth* is mentally disabled and, therefore, he has been granted bail. He further submits that the case is at the stage of prosecution evidence.

Without commenting on the merits of the case, keeping in view the facts noticed above and custody period of the petitioner, no useful purpose would be served by keeping the petitioner/accused in custody, the present petition is allowed and the petitioner is ordered to be released on bail subject to satisfaction of CJM/Duty Magistrate, Jind.

December 17, 2015

'dk kamra'

(JASWANT SINGH)
JUDGE