

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

Date of decision:24.12.2015

Akshay Sharma

.....Petitioner

v.

State of Haryana

.....Respondent

CORAM: HON'BLE MR.JUSTICE JASWANT SINGH

Present:- Mr.Kanwaljit Singh,Senior Advocate assisted by
Mr.Jaswant Singh,Advocate for the petitioner.

Mr.RK Doon,AAG Haryana

Jaswant Singh,J.(Oral)

Prayer is for grant of regular bail in case FIR No.96 dated
5.3.2015 under Sections 376,109,498-A,506,323,34 IPC, PS Old
Faridabad.

Complainant Richa Sharma is wife of present petitioner-
accused. Marriage between them was solemnised on 29.11.2013.
Allegations against the petitioner are that he facilitated commission of
rape by accused *Jija-Parkash* of the present petitioner upon
complainant since the sister of the accused was unable to conceive a
child.

It is contended that allegations were investigated by an
officer of the rank of ACP and petitioner was found innocent of the
charges under Section 376 IPC. Challan was presented only under

Section 498-A,323,506 and regular bail was granted on 12.5.2015.

However, in the light of protest petition offence under Section 376 IPC has been added. It is next contended that charges have not yet been framed.

Learned State counsel on instructions from SI Mohinder Pal does not refute the aforesaid factual position.

Without expressing anything on the merits of the case, keeping in view the fact that charges are yet to be framed and the trial is not likely to be concluded in near future and no useful purpose would be served by keeping the petitioner in custody, the present petition is allowed and petitioner is directed to be released on bail subject to the satisfaction of CJM/Duty Magistrate, Faridabad.

24.12.2015.
joshi

(Jaswant Singh)
Judge