

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Misc. No. M-23205 of 2016

Date of decision : 21.07.2016

Nishan Singh

... Petitioner

versus

State of Haryana

... Respondent

CORAM:- HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Keshav Pratap Singh, Advocate for the petitioner

Mr. Sanjay Kumar Saini, AAG Haryana

ANITA CHAUDHRY, J. (ORAL)

The petitioner is seeking regular bail in FIR No. 19 dated 29.02.2016 registered at Women Police Station, Karnal, District Karnal under Sections 323, 328, 376, 506, 120-B, 302 IPC and Section 25 of Arms Act (later Sections 195-A, 294, 313, 498-A IPC were added and rest of the Sections deleted).

Learned counsel for the petitioner contends that in the first information report the complainant had made allegations of rape against her brother but thereafter she appeared before the Magistrate and got another statement recorded under Section 164 Cr.P.C. and allegations were made under Sections 195-A, 294, 313, 498-A IPC against the husband. He further states that the complainant had left the matrimonial home on 23.02.2016 and the medical was got done on 01.03.2016 and all was well. He further states that challan has been presented.

Allegations were levelled that some medicine was forcibly administered to the complainant by the petitioner which had resulted in miscarriage. In the initial statement the complainant had given a totally different story but after few days she made another statement before the Magistrate and implicated the husband and referred to the incident which occurred on 23.02.2016. The MLR available with the police shows that the complainant visited the hospital on 01.03.2016.

Without commenting anything on the merits of the case and considering the fact that the challan has been presented and trial will take time to conclude, the petition is allowed and the petitioner is ordered to be released on bail on his furnishing adequate bonds to the satisfaction of the trial Court/Duty Magistrate.

(ANITA CHAUDHARY)
JUDGE

July 21, 2016