

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

**Crl. Misc. No. M-885 of 2016
Date of decision : 11.08.2016**

Gagandeep

....Petitioner

versus

State of Haryana

...Respondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. G.S. Kaura, Advocate,
for the petitioner

Ms. Mahima Yashpal, A.A.G, Haryana

Mr. Sushil K. Verma, Advocate
for the complainant

RITU BAHRI, J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner, in a case arising out of FIR No. 246 dated 11.04.2015, registered at Police Station City, Sirsa, District Sirsa, who has been booked for having committed the offence punishable under Sections 376(2)/313/419/420/506/34 IPC.

A bare perusal of F.I.R shows that the petitioner and the prosecutrix were in a live-in relationship. There was a joint agreement dated 07.11.2014 (P-2) to the effect that the petitioner and the complainant are in love and residing together and both will enter into marriage. The allegations levelled against the petitioner are that he on the false promise of marriage, procured the consent of the complainant for sexual intercourse and further by forging the signature of the complainant, he withdrew Rs. 25000/- from post office and Rs.50000/- from her account. He had also taken Rs.25000/- from the almirah

without the knowledge of the complainant. He further threatened the complainant with dire consequences if she made a complaint against the petitioner.

Learned State counsel on instructions has confirmed that the complainant was earlier married to Chhinder in the year 2005 and without obtaining divorce from him, she again married Prince in the year 2006. Out of 21 witnesses, 06 have been examined and 03 have been given up and the next date is 20.08.2016. Statement of the prosecutrix has not been recorded till date.

The regular bail of the petitioner was declined on the ground that the prosecutrix is yet to be examined and there are serious allegations against the petitioner.

Petitioner is in custody since 09.12.2015.

Keeping in view the period of incarceration of the petitioner and the fact that the complainant was married twice before levelling allegations against the petitioner, this Court feels that there is no need to detain the petitioner any longer.

Accordingly, the present petition is allowed. Petitioner is ordered to be released on bail during pendency of the trial of the present case, subject to his furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, Sirsa.

11.08.2016
G Arora

(RITU BAHRI)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>