

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

CRM-M No. 12169 of 2017(O&M)

Date of decision: 27.4.2017

Imran

....Petitioner

VERSUS

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Inderjeet Singh, Advocate for the petitioner.

Mr. Vikas Malik, DAG, Haryana.

REKHA MITTAL, J.(Oral)

The petitioner prays for grant of regular bail in FIR No.237 dated 23.11.2016 registered with Police Station Chhachhrauli, District Yamuna Nagar for offence punishable under Sections 370, 376, 120-B of the Indian Penal Code, 1860.

Counsel for the petitioner has submitted that as per the allegations raised in the FIR by the alleged victim / prosecutrix, she performed marriage on 12.04.2014 with Salman son of Mohammad Ali and out of her wedlock, a female child was born. On 09.01.2015, she came to her parental house and Imran enticed her away and in this regard FIR was registered in Police Station Chhachhrauli, District Yamuna Nagar but it was cancelled on the basis of statement recorded by her in favour of Imran. She stayed with Imran for a period of one year and about ten months but when she visited house of Imran in village Darpur, District Yamuna Nagar she came to know that Imran had a wife and children. She

was given beatings by Imran and his brother Gulsher. It is further alleged that she was sold by Imran to Naseem on 13.11.2016 and Naseem subject her to rape who further wanted to sell her to some other person.

Counsel for the petitioner would submit that the prosecutrix is a married lady and she recorded a statement in favour of Imran when earlier FIR was registered with regard to her kidnapping. She stayed with Imran for about one year and ten months but did not raise any protest. On completion of investigation, challan was presented in the Court and conclusion of trial is likely to take its own time. The last submission made by counsel is that the petitioner is ready to face the proceedings, in accordance with law, without any default.

Counsel for the State has opposed the prayer for bail with the submission that allegations against the petitioner are serious in nature as he has been charged with offence under Sections 370, 376 and 120-B IPC.

Concededly, the prosecutrix was a married lady and had a child when the alleged occurrence dated 09.01.2015 had taken place. She stayed with the petitioner for approximately two years. The petitioner has been remanded to judicial custody and his presence is required for the purpose of facing trial. There is no allegation against the petitioner that he is likely to flee from the process of justice, if enlarged on bail.

Without meaning to express any opinion on merits of the case, the petitioner shall be released on bail subject to satisfaction of the trial Court. However, he shall abide by the following conditions:-

- (i) he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of the

case so as to dissuade him/her from disclosing such facts to the Court;

(ii) he shall not leave India without previous permission of the Court.

APRIL 27, 2017
'D. Gulati'

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned	:	yes/no
Whether reportable	:	yes/no