

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

**CRM No.M-1915 of 2017
Decided on: 26.04.2017**

Parminder

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MRS JUSTICE REKHA MITTAL

Present : Mr. Chanderhas Yadav, Advocate for the petitioner.

Mr. Vikas Malik, DAG, Haryana.

REKHA MITTAL, J. (Oral)

Reply by way of affidavit of Sudesh PSI/SHO, Women Police Station, Jhajjar, District Jhajjar filed in the Court is taken on record.

In view of the reply submitted by the Police Officer coupled with the subsequent conduct in ensuring presence of the prosecutrix before the Court on the subsequent dates fixed in the proceedings, she is discharged of the notice for initiating proceedings for committing contempt of Court.

The petitioner prays for grant of regular bail in FIR No.85 dated 09.08.2016 under Sections 376(2)(n) and 506 of the Indian Penal Code (in short 'IPC') and 3 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 registered at Women Police Station, Jhajjar, District Jhajjar.

Counsel for the petitioner would submit that a false FIR was registered levelling allegation of sexual assault, though in the FIR, the complainant has also mentioned about taking of money by the

petitioner from her husband and thereafter from the complainant herself. It is further submitted that the petitioner is 32 years old whereas the complainant is a 40 years widow having 02 children, therefore, story propounded by the complainant that the petitioner developed physical relationship on the pretext to perform marriage with the complainant also becomes doubtful. The last submission made by counsel is that the prosecutrix has already been examined in the case and the petitioner is ready to face the proceedings, in accordance with law.

Counsel for the State has not disputed facts on record but opposed the prayer for bail.

I have heard counsel for the parties and perused the paperbook as well as police records.

The prosecutrix has already been examined in the case. She is a widow having two children. The petitioner is in custody since August, 2016 and he is ready to face the proceedings, in accordance with law. There is no allegation against the petitioner that he is likely to flee from the process of justice in case enlarged on bail. Conclusion of the trial is likely to take some time, without meaning to express any opinion on merits of the case, bail to the petitioner subject to his furnishing bail bonds to the satisfaction of the trial Court. However, he shall remain bound by the following conditions:-

(i) He shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade his/her from disclosing such facts to the Court or to any police officer; and

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

26.04.2017
yakub

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No