

CRM-M-25348-2017

Date of Decision : 22.08.2017

Rohit

.....Petitioner

versus

State of Haryana

....Respondent

CORAM : HON'BLE MRS. JUSTICE LISA GILL**Present:** Mr. Rahul Jaswal, Advocate
for the petitioner.

Mr. Sanjay K. Saini, AAG, Haryana.

LISA GILL, JUDGE (ORAL)

Petitioner prays for the concession of bail pending trial in FIR No.726 dated 11.11.2016 under Sections 323, 34, 354, 376 (2) (n), 506 IPC registered at Police Station Samalkha, District Panipat.

It is contended that the complainant in this case, admittedly, solemnized marriage with the petitioner on 18.05.2016. Allegations in the FIR do not attract the rigours of Section 376 (2) (n) IPC *qua* the petitioner. The FIR in question is actuated due to matrimonial discord between the parties. Petition under Section 13 of the Hindu Marriage Act has been filed by the petitioner. Moreover, the challan in this case, it is submitted, has been filed. Petitioner has been in custody since December, 2016. He is not involved in any other criminal case. Therefore, this petition be allowed.

I have heard learned counsel for the parties.

It is not denied by learned counsel for the State that marriage was solemnized between the complainant and the petitioner as the same is specifically mentioned in the FIR itself. However, it is submitted that serious allegations have been levelled against the petitioner. Counsel for the

State verifies, on instructions from Head Constable Subhram Pal, that final report under Section 173 Cr.P.C has since been filed. Charge against the petitioner has been framed. It is verified that he is not involved in any other criminal case.

There are no allegations on behalf of the State that the petitioner is likely to abscond or that he is likely to dissuade the witnesses from deposing true facts in the Court, if released on bail. Trial in this case is not likely to conclude in near future.

Keeping in view the facts and circumstances as above but without commenting upon or expressing any opinion on the merits of the case, this petition filed by the petitioner is allowed. The petitioner be released on bail pending trial subject to his furnishing requisite bail bonds and surety to the satisfaction of the learned Trial Court.

It is clarified that none of the observations made hereinabove shall be construed to be a reflection on the merits of the case. The same are solely confined for the purpose of decision of the present petition.

(LISA GILL)
JUDGE

22.08.2017
Neha

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No