

Criminal Misc. No. M- 33942 of 2017 (O&M)

Date of decision : December 15, 2017

Sumit Sharma and others

.....Petitioners

Versus

State of Haryana

....Respondent

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. K.S. Dadwal, Advocate for the petitioners.

Mr. Sanjay K. Saini, AAG, Haryana.

Mr. Sushil Jain, Advocate for the complainant.

LISA GILL, J.

Prayer in this petition is for grant of anticipatory bail to the petitioners in FIR No.0488 dated 02.08.2017 under Section 365 IPC (Sections 366, 506, 34 IPC added later) registered at Police Station Sonapat City, District Sonapat.

Learned counsel for the petitioners submits that petitioner No. 1 has since died on 02.12.2017, therefore, this petition is rendered infructuous qua him.

Ordered accordingly.

It is submitted that the petitioners have been falsely implicated in this case. In fact, petitioner No. 1 (since deceased) solemnised marriage with the complainant on 26.10.2015. Petition under Section 9 of the Hindu Marriage Act, 1955 was filed by petitioner No. 1 as well as a suit for permanent injunction for restraint upon the complainant's remarriage in a forcible manner. It is submitted that petitioner No. 1 and the complainant were well known to each other even prior to the marriage. Reference is made to the photographs (Annexure P-1). Reference is also made to

marriage certificate (Annexure P-2) and the photographs of the marriage (Annexure P-3) to submit that marriage was voluntarily solemnised between petitioner No. 1 and the complainant. Moreover, petitioner No. 1, it is submitted, has since passed away and all the other petitioners have joined investigation. None of them are involved in any other criminal case. It is, thus, prayed that this petition be allowed.

Learned counsel for the complainant and the State affirm and verify the death of petitioner No. 1.

Learned counsel for the complainant, however, submits that photographs of the marriage or the marriage certificate are not relevant for the simple reason that the complainant has stated that the marriage between her and petitioner No. 1 was solemnised forcibly. The documents attached as Annexures P-4 and P-5, it is submitted, are fabricated.

Heard, learned counsel for the parties.

Learned counsel for the State, on instructions from ASI Mahinder Singh, verifies that petitioners No. 2 to 5 have joined investigation. They are not reported to be involved in any other criminal case. The question whether the marriage between petitioner No. 1 and the complainant was solemnised forcibly or whether the documents (Annexures P-4 and P-5) are fabricated are needless to say in the domain of the investigating agency/trial Court.

There are no allegations on behalf of the State that the petitioners are likely to abscond or that they are likely to dissuade the witnesses from deposing true facts in the Court, if released on bail.

Keeping in view the facts and circumstances noted above but without expressing any opinion on the merits of case, it is considered just

and expedient to allow this petition. Consequently, order dated 26.09.2017 is made absolute.

It is reiterated that none of the observations made herein above are a reflection on the merits of the case and shall have no bearing on the trial.

December 15, 2017
rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No