

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

Criminal Misc. No.M- 36544 of 2017(O&M)

Date of Decision: December 13 , 2017.

Jitender PETITIONER (s)

Versus

State of Haryana RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. J.P.Sharma, Advocate
for the petitioner.

Mr. Sanjay K.Saini, AAG, Haryana.

Mr. P.S.Sullar, Advocate
for the complainant.

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

LISA GILL, J.

The petitioner prays for bail pending trial in FIR No.27 dated 01.04.2016 under Sections 498A/376/506 IPC registered at Police Station Women Narnaul, District Mahendergarh.

It is submitted that the petitioner is the brother-in-law (Devar) of the complainant and the abovesaid FIR was lodged due to matrimonial discord between the complainant and her husband Rajender son of Ram Niwas i.e., the petitioner's brother. No offence as mentioned in the FIR is made out against the petitioner. Final report under Section 173 Cr.P.C. in this case stands presented.

Moreover, the petitioner's brother, namely, Rajender as well as the complainant have amicably resolved their dispute. The complainant has started living together with her husband in the matrimonial home. Petition under Section 13 of the Hindu Marriage Act, 1955 filed by the petitioner's brother has since been withdrawn on 30.11.2017. It is submitted that the petitioner, who is serving the Indian Army, is not involved in any other criminal case. It is thus prayed that this petition be allowed.

Copy of order dated 30.11.2017 passed by the learned District Judge, Narnaul, furnished in Court today, is taken on record subject to just exceptions.

Learned counsel for the complainant verifies the factum of settlement between the complainant and her husband. It is accepted that the complainant as well as her husband i.e., the petitioner's brother have now resumed matrimonial ties and the complainant is residing with her husband in her matrimonial home. The complainant, it is submitted, has no objection in case this petition is allowed.

Learned counsel for the State verifies that the final report under Section 173 Cr.P.C. in this case has been presented. Charge against the petitioner has since been framed.

The petitioner is not reported to be involved in any other criminal case. Trial in this case is not likely to conclude in the near future. No useful purpose would be served by keeping the petitioner incarcerated any longer in the facts and circumstances of this 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 before the Court, if released on bail.

Keeping in view the facts and circumstances of the case but without commenting upon or expressing any opinion on the merits thereof, this petition filed by Jitender 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.

December 13 , 2017.
'om'

(**LISA GILL**)
JUDGE

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