

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

Criminal Misc. No.M- 41653 of 2017(O&M)

Date of Decision: December 1 , 2017.

Asgar PETITIONER (s)

Versus

State of Haryana RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Saleem Ahmed, Advocate
for the petitioner.

Mr. Sanjay K.Saini, AAG, Haryana.

Ms. Sakshi Aggarwal, 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.121 dated 05.09.2017 under Sections 343/323/376/506 IPC registered at Police Station Women Nuh, District Nuh.

Contentions on behalf of the petitioner as noted by this Court on 09.11.2017, read as under:-

“It is submitted that the alleged victim in this case solemnized marriage with one Naseem out of her own free will and volition

against the wishes of her parents. Another FIR No.616 dated 29.09.2017 under Sections 365/34 IPC, Police Station Badsahapur was also registered against the petitioner and others, but the victim in her statement under Section 164 Cr.P.C. in the said case clearly stated that she accompanied Naseem out of her own consent and she was never kidnapped. The petitioner was discharged in the said case (Annexure P6). The present FIR, it is submitted, was registered under the pressure of the victim's parents. She submitted a representation dated 13.10.2017 (Annexure P7) before the Superintendent of Police, Nuh stating therein that no offence was committed by the petitioner. Her family members, it is stated, have got the present FIR lodged falsely implicating her husband and his family including the petitioner to extract money. The victim has prayed for legal action against her parental family”

The complainant, duly identified by her counsel as well as HC Sunil, Police Station Nuh, is present in Court. It is stated that she was compelled to have the aforesaid FIR registered against the petitioner by her own parents. Her parents threatened to cause harm to her child in case, she did not have the said FIR registered. She further states that the petitioner is innocent.

It is verified by learned counsel for the State, on instructions from HC Sunil, that the complainant in this case had stated these facts before the police officials. Final report under Section 173 Cr.P.C., it is informed, has been presented in this case.

Trial in this case is not likely to conclude in the near future. 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 Asgar 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 1 , 2017.
'om'

(**LISA GILL**)
JUDGE

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