

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

CRM-M-41814 of 2017(O&M)

Date of decision : 15.11.2017

Vinod Kuamr @ Kallu

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Vaibhav Narang, Advocate
for the petitioner.

Mr.Anmol Malik, AAG, Haryana.

LISA GILL,J(Oral)

Petitioner seeks the concession of bail pending trial in FIR
No. 49, dated 06.09.2016, under Sections 120, 328, 376, 506 IPC,
registered at Police Station Women, District Kurukshetra.

It is submitted that the petitioner has been falsely implicated
in this case on the basis of a statement made by the complainant, who is
the husband of the alleged victim. It is alleged that co-accused-Salindro
served the complainant's wife a cold-drink laced with some intoxicant
and thereafter, the person of the victim i.e. the complainant's wife was
violated. Learned counsel for the petitioner submits that there is an
unexplained delay of 15-20 days in the lodging of the FIR. No specific

date or time of the incident has been mentioned therein. Moreover, the victim in this case i.e. the complainant's wife submitted an affidavit dated 20.10.2016 (Annexure P-2) that the FIR in question was registered by her husband on account of certain misunderstandings. The allegations levelled by the complainant are not correct. It is further submitted that the co-accused-Salindro has been afforded the concession of anticipatory bail by this Court on 01.11.2017 in CRM-M-16384 of 2017. In the said petition, the complainant was duly represented by his counsel and it was affirmed and verified that the complainant as well as the victim have no objection to the grant of anticipatory bail to Salindro. Execution of the above mentioned affidavit was verified by learned counsel for the State. It is submitted that CRM-M-41803 of 2016 has been preferred by the petitioner as well as co-accused for quashing of the above said FIR on the basis of a settlement. The complainant and victim in the said petition have accepted that the abovesaid FIR was registered due to a misunderstanding. The said petition is pending for 30.01.2018 on the question of maintainability of a petition for quashing of an FIR under Section 376 IPC on the basis of a settlement.

Learned counsel for the State, on instructions from ASI Babita, is unable to deny the factual position as above. It is verified that the petitioner is not involved in any other criminal case. At this stage, it is necessary to note that the veracity/ effect of the said affidavit (Annexure P-2) is subject to investigation/trial.

There is no allegation that the petitioner is likely to abscond or influence witnesses in any manner. Trial in this case is not likely to

conclude in the near future. No useful purpose shall be served by keeping the petitioner incarcerated any longer. 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, 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 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.

15.11.2017

s.khan

(LISA GILL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable: Yes/No