

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

CRM-M-42692-2017 (O&M)
Date of decision : 16.11.2017

Narender

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Sushil Gautam, Advocate for the petitioner.

Ms. Mahima Yashpal, AAG, Haryana,
assisted by ASI Brijpal.

JITENDRA CHAUHAN, J. (Oral)

The instant petition has been preferred under Section 439 Cr.P.C. seeking bail in FIR No.381 dated 25.07.2017, registered under Sections 376 (added subsequently), 354 (deleted subsequently), 377, 406, 498-A and 506 read with Section 34 of the Indian Penal Code, at Police Station Rai, Sonipat.

Contentends that the petitioner is the brother-in-law (*devar*) of the complainant, who has roped in the whole family. There is a delay of more than five months in lodging the FIR. She has also levelled allegations attracting Section 377 IPC against her husband, however, the same is not supported by the medical evidence.

On the other hand, learned State counsel has opposed the instant petition. On instructions, learned State counsel submits that the petitioner has been specifically named in the FIR and statement of the prosecutrix under Section 164 Cr.P.C. and has been ascribed specific role. She further states that the challan stands presented and the matter is now fixed for framing of charge.

Heard.

The petitioner is in custody since 05.09.2017. The charges are yet to be framed, therefore, it can safely be inferred that the conclusion of trial may take time.

In view of the above, without adverting to the merits of the instant case, this petition is allowed. The petitioner be admitted to bail during the pendency of the trial, on furnishing bail bonds and surety bonds, to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

However, anything noticed hereinabove shall not be construed as an expression of opinion on the merits of the case.

16.11.2017
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(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No