

Criminal Misc. M- No. 4694 of 2017 (O&M)

Date of decision : April 05, 2017

Manoj

.....Petitioner

Versus

State of Haryana

....Respondent

CORAM:- HON'BLE MRS. JUSTICE LISA GILLPresent: Mr. Vikas Kumar, Advocate
for the petitioner.

Mr. Anmol Malik, AAG, Haryana.

Mr. Sanjeev Kumar Parmar, Advocate
for the complainant.

LISA GILL, J.

Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No. 11 dated 26.01.2017 registered under Section 323, 341, 354-D, 506 IPC (offence under Section 376 read with Section 511 IPC added later on) at Women Police Station, Faridabad, District Faridabad.

It is submitted that the offence punishable under Sections 376 IPC read with Section 511 IPC was inserted in a mala fide manner at a later stage. Learned counsel for the petitioner submits that in fact the complainant and the petitioner were married on 10.09.2015. He refers to the marriage certificate (Annexures P-1 and P-2). It is on account of matrimonial discord that this FIR was registered. The petitioner was in fact subjected to physical abuse by the family members of the complainant on learning about this marriage. Reference is made to the Medico Legal Report dated 21.01.2017 (Annexure P-4). It is, thus, prayed that this petition be allowed.

Learned counsel for the State, on instructions from ASI Sushila, submits that the certificates of marriage (Annexures P-1 and P-2) have been verified to be genuine. It is further informed that the petitioner has joined investigation pursuant to interim order dated 23.02.2017 passed by this Court.

Learned counsel for the complainant, however, opposes this petition while urging that the petitioner was in fact earlier married and he solemnised marriage with the complainant without disclosing the factum of his first marriage, therefore, offences as mentioned in the abovesaid FIR are clearly made out. The factum of marriage between the complainant and the petitioner on 10.09.2015 is not denied.

I have heard learned counsel for the parties. The petitioner has joined investigation pursuant to interim order dated 23.02.2017 passed by this Court. The factum of marriage being solemnised on 10.09.2015 is not denied. 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 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 23.02.2017 is made absolute.

April 05, 2017
rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes

Whether reportable : Yes/No