

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

CRM-M No.47182 of 2017

Date of decision: December 15, 2017

Chandan Mal

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MRS. JUSTICE LISA GILL

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

Mr. Sanjay K. Saini, AAG, Haryana
for the respondent-State.

LISA GILL, J.(ORAL)

Petitioner seeks concession of bail pending trial in FIR No.314 dated 25.06.2017 registered under Sections 323, 341, 342, 354-B, 509, 506, 376, 511 of Indian Penal Code, Police Station Kharkhoda, District Sonapat.

It is submitted that the petitioner has been falsely implicated in this case at the instance of the complainant who is none other but the petitioner's wife, who had been granted an ex parte divorce on 18th March, 2009 (Annexure P-2). It is submitted that the matter regarding custody of the two children is pending. The learned District and Sessions Judge, Sonapat vide order dated 17th November, 2016, had directed that the children would be brought to the residence of the petitioner at Kharkhoda on the first and third Sunday of every month. The second husband of the complainant had agreed to take the children to Kharkhoda. Photocopy of order dated 17th November, 2016 furnished in Court today is taken on record subject to just exceptions. It is submitted that the present FIR has been registered only with a view to frustrate the visitation rights of the petitioner. It is further submitted that petitioner is not involved in any other criminal case. He has been in custody since 5th July, 2017. It is, thus, prayed that this petition be allowed.

Learned State counsel on instructions from ASI Rajpal, PS Kharkhoda, District Sonapat verifies that final report under Section 173 Cr.P.C. in this case has been presented. Charge against the petitioner has been framed. The petitioner is not reported to be involved in any other criminal case.

Keeping in view the facts and circumstances of the case but without expressing any opinion on the merits thereof, 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 bonds 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.

December 15, 2017

m. sharma

(LISA GILL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No