

Criminal Misc. M- No. 8352 of 2017 (O&M)

Date of decision : June 01, 2017

Anjum Sahid

.....Petitioner

Versus

State of Haryana

....Respondent

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Munfaid Khan, Advocate for the petitioner.

Mr. Sanjay K. Saini, AAG, Haryana.

LISA GILL, J.

Prayer is for bail pending trial to the petitioner in FIR No. 256 dated 11.12.2015 registered under Sections 343, 366, 376D, 34 IPC at Police Station Bahin, District Palwal.

It is submitted that the co-accused i.e. the father-in-law and the brother-in-law of the complainant have been found innocent. It is only the present petitioner, who is being proceeded against and he is admittedly the complainant's husband. Charge under Section 376 IPC has been framed against the petitioner.

Learned counsel for the petitioner contends that as there is no dispute regarding the petitioner being the husband of the complainant, sustainability of the charge under Section 376 IPC is doubtful. Furthermore, the complainant had earlier lodged FIR No. 87 dated 21.10.2014 under Sections 498A, 406, 506 IPC. Matrimonial discord between the complainant and the petitioner is the cause of registration of the present FIR. The petitioner is in custody since 08.05.2016. Moreover, the material witnesses including the complainant have since deposed before the learned trial Court. It is, thus, prayed that this petition be allowed.

Learned counsel for the State, on instructions from ASI Bharat

Pal, Police Station Bahin does not deny that the allegations raised by the complainant against her father-in-law and brother-in-law i.e. the father and the brother respectively of the petitioner were found incorrect. It is only the petitioner who is being proceeded against for the offence punishable under Section 376 IPC. FIR No. 87 dated 21.10.2014 under Sections 498A, 406, 506 IPC is verified to be lodged by the complainant against her husband and other family members. Learned counsel for the State affirms that after presentation of the report under Section 173 Cr.P.C. charge has been framed.

The trial, in this case, is not likely to conclude in the near future. There are no allegations on behalf of the State that 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. No useful purpose shall be solved 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 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.

June 01, 2017
rts

(Lisa Gill)
Judge

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