

**IN THE HIGH COURT OF PUNJAB AND HARYANAAT
CHANDIGARH**

Criminal Misc. No.M- 8610 of 2017(O&M)

Date of Decision: May 12 , 2017.

Pardeep PETITIONER (s)

Versus

State of Haryana RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Sailender Singh, Advocate
for the petitioner.

Mr. Anmol Malik, AAG, Haryana.

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

LISA GILL, J.

The petitioner prays for bail pending trial in FIR No.50 dated 11.08.2016 under Sections 376/498A/34/506 IPC registered at Police Station Women Police Station Jind, Haryana.

It is submitted that the charge for the offence punishable under Section 498A IPC has not been framed against the petitioner and co-accused. The petitioner has been proceeded against for the offences punishable under Sections 376/506 IPC. Charge for the offence punishable under Section 109 IPC has been framed against the co-accused Kitabo (mother of the petitioner)

and under Section 506 IPC against the co-accused Pankaj (brother of the petitioner and husband of the complainant). Learned counsel for the petitioner submits that present FIR essentially stems from a matrimonial dispute. The complainant's sister is married to the petitioner and the complainant is married to the petitioner's brother. Marriage was solemnized in March 2005. Both the couples were blessed with a son each. However matrimonial discord crept in between both the couples. Petitions under Section 9 of the Hindu Marriage Act, 1955 were filed by the petitioner and his brother in 2013 which were later withdrawn. However, the complainant and her sister left the matrimonial home in the month of June 2016. The petitioner and his brother filed petitions seeking divorce from their respective wives on 06.07.2016 and notice was issued to them for 11.08.2016. As a counter blast to the said petitions, the present FIR under Sections 376/498A/34/506 IPC, it is submitted, was registered at the behest of the complainant on 11.08.2016 itself. There is an unexplained delay of about two months in the lodging of this FIR. It is contended that such an incident is highly improbable. The complainant's sister was present at home. The petitioner, it is submitted, is a Junior Basic Teacher (JBT). He was working at the Government Primary School at Karnal before being arrested in this case. These allegations have been levelled against him with a motive to deprive him of his job. It is reiterated that present is essentially a matrimonial dispute between both the couples. Furthermore, challan/final report under Section 173 Cr.P.C. has already been presented and charge has been framed. It is thus prayed that this petition be allowed.

Learned counsel for the State, on instructions from ASI Rampati,

while opposing this petition submits that the complainant has levelled serious and specific allegations against the present petitioner. It is however not denied that marriage of the petitioner was solemnized with the complainant's sister and the complainant married the petitioner's brother in the year 2005. Pendency of the divorce proceedings is also verified. It is further affirmed that the final report under Section 173 Cr.P.C. has been filed and charge stands framed.

The petitioner is in custody since 20.08.2016. Trial in this case is not likely to conclude in the near future. 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 as above but without commenting upon or expressing any opinion on the merits of the case, this petition filed by Pardeep is allowed. The petitioner shall 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 clarified that none of the observations made hereinabove shall be construed to be a reflection on the merits of the case. The same are solely confined for the purpose of decision of the present petition.

May 12 , 2017.
'om'

(**LISA GILL**)
JUDGE

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