

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

224

CRM-M-18792-2018 (O&M)

Date of Decision: May 21, 2018

Vikas

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Deepak Vashishth, Advocate
for the petitioner.

Ms. Gaganpreet Kaur, AAG, Haryana.

Mr. Parshant Sethi, Advocate,
for the complainant.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.08 dated 14.01.2018, under Sections 34, 376(2), 420, 498-A and 506 of Indian Penal Code, registered at Police Station Women Cell, District Jind.

Learned counsel for the petitioner contends that the petitioner herein was taken into custody in the aforesaid FIR on 01.02.2018. It is argued that the allegations extracted in FIR would not constitute any of the offences under which he has been charged, in fact, the petitioner herein and the complainant were in a relationship prior to the alleged commission of offence of rape. They solemnized marriage on 24.05.2016 and it is only thereafter, a complaint was filed on 13.11.2017, it was followed by the aforesaid FIR. It is further contended that the complaint and the FIR were registered subsequent to

the divorce petition that has been initiated by him in September 2017. It is also submitted that the investigation is complete, as the challan has been presented and the petitioner herein is working in the Armed Forces and is not likely to abscond, therefore, he is entitled to be enlarged on bail.

Per contra, learned counsel appearing on behalf of the respondent-State, on instructions from the Investigating Officer as well as counsel for the complainant oppose the grant of regular bail to the petitioner, while submitting that prior to the marriage that had been performed on 24.05.2016 a complaint had been filed on 08.03.2016 and it is only on the basis of complaint filed that the marriage had been performed.

I have heard learned counsel for the parties.

Since, the trial is likely to take some time and in view of the facts that the petitioner herein has been in cusody since 01.02.2018 and that investigation is complete, as the challan has been presented, no useful purpose would be served in keeping the petitioner behind bars. At this stage, without commenting on the merits of the case, the instant petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal bond and surety bond to the satisfaction of concerned trial Court/Duty Magistrate.

May 21, 2018
neeraj

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No