

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

Crl. Misc. M-25220 of 2018 (O&M)
Date of Decision: July 11, 2018

Nisha

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Parminder Singh, Advocate
for the petitioner.

Ms. Gaganpreet Kaur, AAG Haryana.

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.36 dated 08.04.2018, under Sections 323, 328, 344, 366, 376, 506, 34 of Indian Penal Code, Section 25 of Arms Act and Section 3(2)(v) of SC/ST Act, registered at Police Station Women Karnal, District Karnal.

Learned counsel for the petitioner contends that the petitioner herein was taken into custody in the aforesaid FIR on 09.04.2018. It is argued that the petitioner has been falsely implicated in the present case. It is submitted that the complainant namely Rekha had married with Anil Kumar, but left matrimonial home and company of the husband. In this regard, an FIR bearing No.283 dated 20.03.2018, under Section 365 of IPC was lodged at Police Station City Karnal by the husband. On 26.03.2018,

the complainant got recorded her statement under Section 164 Cr.P.C. alleging that her husband had committed rape and even offered the complainant to his friends against her wishes. It is also contended that no allegations of rape have been levelled against the petitioner herein and co-accused Bijender @ Billu has already been granted regular bail by this court in CRM-M-16794 of 2018, therefore, the petitioner herein is entitled to be enlarged on bail.

Per contra, learned counsel appearing on behalf of respondent-State, on instructions from the Investigating Officer opposes the grant of regular bail to the petitioner, while submitting that the offences alleged against the petitioner are serious in nature, therefore, the petitioner is not entitled to grant of regular bail.

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 custody since 09.04.2018 and that co-accused Bijender @ Billu has already been granted regular bail, 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.

July 11, 2018
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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No