

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

CRM-M-27325-2018

Date of decision: 14.12.2018

Amarjeet Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Dishant D. Tuteja , Advocate,
for the petitioner.

Ms. Gaganpreet Kaur, AAG, Haryana.

Dr.Mewa Singh, Advocate,
for the complainant.

JAISHREE THAKUR, J. (ORAL)

This is a petition that has been filed under Section 439 Cr.P.C.
for grant of regular bail to the petitioner in case FIR No. 3 dated 02.01.2018
under Sections 120-B, 328, 376, 506 IPC, registered at Police Station
Pinjore, District Panchkula.

Learned counsel appearing on behalf of the petitioner would
contend that the petitioner has been falsely implicated in the instant FIR.
Reliance has been placed upon the statement recorded of the prosecutrix in
the previous proceedings (that had been initiated seeking eviction of the
complainant and her husband) wherein she had stated that child was born to
Punish Sareen whereas in the present FIR child is claimed to be of the
petitioner. It is contended that in the said eviction application, the landlord

wanted to evict the petitioner her husband from Sharma Niwas Bitna Road, Deluxe Enclave, Pinjore, Tehsil Kalkta, District Panchkula, which is the same place where the alleged offence of rape was committed.

Learned counsel for the complainant, who is present in Court today opposes the grant of regular bail to the petitioner by contending that she has been subjected to an offence under Section 376 IPC in the year 2014 by the petitioner.

On the asking of the Court, learned counsel for the respondent-State, on instructions from SI Mulkh Raj, submits that no medical is available on the record pertaining to an offence under Section 376 IPC.

I have heard learned counsel for the parties.

Without going into the merits of the case or the evidence that are sought to be relied upon by the learned counsel for the petitioner herein, this Court deems it appropriate to allow the instant petition in view of the fact that the petitioner herein has been incarcerated since January, 2018 and the statement of the material witnesses, including the complainant has since been recorded. The petitioner is ordered to be released on regular bail on furnishing bail bonds and surety bonds to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, concerned subject to following terms:-

- (i) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (ii) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his

presence in accordance with law. In that eventuality the accused shall have to apply for bail afresh before the trial Court.

(iii) He shall not leave the country without the previous permission of the Court.

14.12.2018

Satyawan

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes.
No.