

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

**Criminal Misc. No.M-27267 of 2017(O&M)
Date of Decision: February 26, 2018.**

Vishal Tiwari

Petitioner.

Versus

State of Haryana

Respondent

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr.S.S.Dinarpur, Advocate
for the petitioner.

Mr. Anmol Malik, AAG., Haryana.

LISA GILL, J.

Petitioner seeks the concession of bail pending trial in FIR No.32 dated 05.05.2017, under Sections 376, 506 IPC, registered at Police Station Women Yamuna Nagar, District Yamuna Nagar.

As per the allegations in the FIR, the petitioner and the complainant were known to each other since the year 2011. On 25.12.2012, the petitioner is alleged to have physically violated the complainant forcibly after administering some intoxicant to her. He continued to maintain relations with her on a false assurance of marriage till the year 2014. When marriage was not solemnized, a complaint was submitted by the complainant before the police authorities. The petitioner and his father on 08.02.2014 gave in writing that they would ensure solemnization of marriage of the complainant with the petitioner. Marriage was

solemnized on 03.12.2014. Thereafter, the allegations of ill-treatment etc., are raised against the petitioner and action was prayed for.

Learned counsel for the petitioner argues that the petitioner has been falsely implicated in this case. It is submitted that the marriage was solemnized by the petitioner with the complainant on 25.12.2012. A daughter was born out of this wedlock on 10.03.2014. She is duly registered as the child of the petitioner and the complainant in the birth certificate (Annexure P-4) issued by the authorities at Yamunanagar. It is further contended that the complainant in this case has since testified before the learned trial Court. The falsity of her averments is reflected from the fact that in her testimony before the learned trial Court, the complainant has even denied marriage being performed on 03.12.2014. The petitioner, it is submitted has never at any stage denied marriage with the complainant. He is ready and willing to have the same registered as well. Learned counsel for the petitioner further submits that all allegations of the petitioner being married with another lady are incorrect. It is further submitted that even otherwise no offence punishable under Sections 376, 506 IPC, is made out against the petitioner. It is thus prayed that this petition be allowed.

Learned counsel for the complainant has opposed this petition. It is however not denied that in the FIR, the complainant has averred that marriage was solemnized on 03.12.2014, whereas in her testimony before the learned trial Court, she has denied the same.

Learned counsel for the State, on instructions from ASI Komal, verifies that the petitioner is not involved in any other criminal case. The complainant in this case has since been examined. Seven prosecution witnesses are yet to be examined.

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 before the Court, if released on bail. Trial in this case is not likely to conclude in the near future. No useful purpose would be served by keeping the petitioner incarcerated any longer in the facts and circumstances of this case.

Keeping in view the facts and circumstances of the case but without commenting upon or expressing any opinion on the merits thereof, this petition filed by Vishal Tiwari, is allowed. The petitioner 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.

26.02.2018
s.khan

[LISA GILL]
Judge

Whether speaking/reasoned : Yes/No.

Whether reportable : Yes/No.