

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

**Criminal Misc. No.M-28253 of 2017(O&M)
Date of Decision: January 08, 2018.**

Ravinder

Petitioner.

Versus

State of Haryana

Respondent

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Saurabh Dalal, Advocate
for the petitioner.

Mr.Sanjay K. Saini, AAG, Haryana.

LISA GILL, J.

Petitioner seeks the concession of bail pending trial in FIR No. 42 dated 03.02.2017, under Sections 346, 365, 376, 506 IPC, registered at Police Station Sadar Sonipat.

The abovesaid FIR was registered on the statement of the complainant i.e. the husband of the prosecutrix/victim to the effect that the victim on 01.02.2017 went to the kitchen in their residence for making tea, but did not come back thereafter. The complainant searched for her but she could not be traced. A suspicion was raised that some unknown person has confined the complainant's wife at some secret place with criminal intention. The victim was recovered on 16.02.2017 from the house of the petitioner.

Learned counsel for the petitioner vehemently argues that it is the petitioner, who is the victim in this case as marriage was solemnized by him with

the alleged victim on 08.02.2017. Reference is made to the marriage certificate, Annexure P-1 and the photographs of the marriage, Annexure P-2. The victim in this case it is submitted misled the petitioner to believe that she was a widow having one child. It was never disclosed to the petitioner that her first marriage was subsisting and her first husband was very much alive. The victim, it is submitted cohabited with the petitioner till 16.02.2017, at his house, where his mother and sister were very much present. Moreover, the victim in this case has since deposed before the learned trial Court. It is submitted that in her cross-examination, the victim has admitted that the petitioner's mother was residing in his house. She, however, did not disclose anything to her. The petitioner's sister and brother-in-law are also admitted to have visited the house. It is thus submitted that the petitioner who is not involved in any other criminal case and in custody since 16.02.2017 be afforded the concession of bail pending trial.

Heard learned counsel for the parties.

Learned counsel for the State, on instructions from ASI Amit, Police Station Sadar Sonipat, verifies that the petitioner is not involved in any other criminal case. The prosecutrix/victim has since testified before the learned trial Court. Three out of sixteen prosecution witnesses have been 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 in 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 as above but without commenting upon or expressing any opinion on the merits of the case, this

petition filed by petitioner-Ravinder, 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.

08.01.2018
s.khan

[LISA GILL]
Judge

Whether speaking/reasoned : Yes/No.

Whether reportable : Yes/No.