

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

Crl. Misc. No. M-29561 of 2017

Date of Decision : January 29, 2018

Dharambir .....Petitioner

Versus

State of Haryana..... Respondent

CORAM : HON'BLE MRS. JUSTICE LISA GILL

...

Present: Mr. Robin Singh Hooda, Advocate  
for the petitioner.

Mr. Anmol Malik, AAG, Haryana.

...

LISA GILL, J. (Oral)

Petitioner seeks the concession of bail pending trial in FIR No. 266 dated 01.06.2017 under Sections 376, 506, 511 IPC registered at Police Station Kharkhoda, District Sonapat.

Following order was passed on 09.01.2018:-

*“The petitioner seeks the concession of bail pending trial in FIR No. 266 dated 01.06.2017. It is submitted that initially FIR under Sections 354, 506 IPC was registered. Section 376 read with Section 511 IPC was added on the basis of statement of the prosecutrix under Section 164 Cr.P.C.*

*It is vehemently argued that the petitioner has been falsely implicated due to an altercation which took place between the petitioner and the husband of the victim. On an earlier occasion the petitioner was beaten up by the husband of the prosecutrix. He was shifted to the Civil Hospital, Sonapat, and*

*thereafter referred to the PGI MS, Rohtak. A complaint was made by the petitioner but no action was taken by the police authorities. It is further submitted that the petitioner has been in custody since 21.06.2017. He is not involved in any other criminal case. Moreover, the victim and her husband have not come forward to depose before the trial Court and now bailable warrants have been issued to secure their presence.*

*Learned counsel for the State prays for some time to verify whether the petitioner was ever admitted at Civil Hospital, Sonapat, or referred to PGI MS, Rohtak.*

*List on 29.01.2018.”*

Learned counsel for the State,, on instructions from HC Sandeep Kumar, verifies that a medical report in respect of medical examination of the petitioner conducted on 29.05.2017 at Civil Hospital, Kharkhoda, Sonapat is available on the police file. It is further informed that the victim and her husband did not come forward to depose before the learned trial Court despite issuance of summons. Now bailable warrants have been issued to secure their presence. As per status report by way of an affidavit dated 04.10.2017 of DSP Kharkhoda, Sonapat it is mentioned that earlier FIR No. 553 dated 12.12.2016 under Section 354 IPC was registered at Police Station Kharkhoda, Sonapat against Sandeep son of Rajinder Singh, a cousin brother of the petitioner, on the basis of a statement made by the present complainant. Cancellation report was prepared in the said matter. However in the subsequent para of affidavit dated 04.10.2017 it is mentioned that the real brother of the petitioner disclosed that there was no dispute between the families.

FIR No. 553 dated 12.12.2016 as well as the medico-legal report dated 29.05.2017 is available on the police file. It is verified by learned counsel for the State, on instructions from HC Sandeep Kumar, that the petitioner is not involved in any other criminal case. There are no allegations that the petitioner is likely to abscond or that he is likely to dissuade the witnesses from deposing true facts in the Court, if released on bail. Trial of the case is not likely to conclude in the near future. No useful purpose shall be served by keeping the petitioner incarcerated any longer.

Keeping in view the facts and circumstances of the case noted above but without expressing any opinion on the merits of case, it is considered just and expedient to allow this petition.

Consequently, 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.

None of the observations made here-in-above shall be construed to be a reflection on merits of the case and shall have no bearing on trial.

It is made clear that the petitioner shall not attempt to contact the victim or any of her family members directly or indirectly. Any infraction in this regard may entail cancellation of his bail.

**29.01.2018**  
*rupi*

**( LISA GILL )**  
**JUDGE**

**Note:** Whether speaking/reasoned  
Whether Reportable:

Yes / No  
Yes / No