

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

CRM-M No.42878 of 2018

Date of decision: 14th November, 2018

Pale Ram @ Pale

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. S.K. Verma, Advocate for the petitioner.

Mr. Munish Sharma, Asstt. Advocate General, Haryana
for the respondent/State.

FATEH DEEP SINGH, J. (ORAL)

Allegations against the petitioner Pale Ram alias Pale in this regular bail application filed under Section 439 Cr.P.C. in case FIR No.298 dated 18.05.2018 under Sections 323, 34, 506, 120-B, 376, 511 IPC pertaining to Police Station Sadar Dadri, District Charkhi Dadri, are that a marriage took place between the petitioner and the complainant Kamlesh and on account of matrimonial dispute between the couple it is alleged that on 17.05.2018 co-accused/non-applicants Sunita, Promila and Saroj, sisters of the petitioner husband, have assaulted the complainant and snatched her mobile phone leading to registration of the present case in which the petitioner husband was arrested on 04.07.2018.

Learned counsel for the petitioner Mr. S.K. Verma, Advocate submits that on a bare perusal of the FIR, no allegation of rape is made out much less any role in the commission of offence to the husband

petitioner and that the petitioner is behind bars since more than four months.

On behalf of the State, the same is sought to be opposed by Mr. Munish Sharma, Asstt. Advocate General, Haryana on the grounds of heinousness of the offence and seriousness of allegations.

Appreciating the submissions, learned State counsel with all fairness has conceded at the bar that a bare perusal of the FIR does not disclose commission of any offence punishable under Sections 376, 511, 120B and 506 IPC, and at the time of alleged occurrence as per the allegations only sisters of the husband are alleged to have assaulted the complainant and thus, a debatable issue having arisen over the applicability of these offences and the role of the accused petitioner who is behind bars since a long time together with the fact that investigations and the trial will take a long time to conclude and the culpability, if any, shall be determined at the trial, this Court is of the opinion that further detention of the petitioner in the present case is unwarranted. Accordingly, he is ordered to be released on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Charkhi Dadri.

The petition stands disposed off accordingly.

(FATEH DEEP SINGH)
JUDGE

November 14, 2018

rps

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No