

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

**CRM-M-45643-2017
Date of decision: 24.01.2018**

Dr. Narender Kumar Indra

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Randeep Singh Rai, Sr. Advocate, with
Mr. Akashdeep Singh, Advocate,
for the petitioner.

Ms. Gaganpreet Kaur, AAG, Haryana.

Dr. Anmol Rattan Sidhu, Sr. Advocate, with
Mr. Pratham Sethi, 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. 438 dated
03.09.2017 under Sections 376, 377, 420, 468 & 506 IPC, registered at
Police Station Rai, Sonipat, District Sonipat.

It is contended that the petitioner herein has been falsely
implicated in the said FIR and in fact no offence under the aforesaid
Sections can be made out against the petitioner herein. It is argued that the
FIR does not disclose the fact that the father of the complainant was well
aware of the fact that the petitioner herein was earlier married as would be
evident from Annexure P-1, a letter addressed to him as far back as

12.06.1997. It is further argued that the complainant knew about the pendency of the divorce petition prior to their solemnizing a marriage on 03.02.2017. In fact, the WhatsApp messages dated 08.04.2016 would reflect that she was following the divorce proceedings as she questioned the petitioner as to why a long date had been given by the Court. It is also argued that her parents knew about their relationship as would be evident from the WhatsApp messages dated 12.07.2016 in which the complainant had written "*My parents advices me to not to disclose about you to anyone, But.....I invited everyone at my home and declared my relationship with you.*" It is also argued that the complainant has implied in the FIR that she came to know the petitioner only in November, 2016, which fact is belied from the WhatsApp messages, as well as from the fact that the complainant and her parents had travelled to Nepal together in August, 2015.

Per contra, learned counsel appearing on behalf of the complainant submits that the petitioner who has been arrested ought not to be released on regular bail since there is an apprehension that he would threaten and influence the witnesses. In this regard, Dr. Anmol Rattan Singh learned Senior Counsel appearing on behalf of the complainant draws attention of this Court to various e-mails and letters that have been addressed by the father of the complainant, as a senior citizen, seeking protection of life and liberty for himself and his family members from Dr. Narender Kumar Indra (petitioner herein) and his associates. In the said letter an apprehension has been expressed that the petitioner herein would harm/kidnap or kill the complainant's father. It is also argued that the offence under Sections 376 & 494 IPC are made out. It is submitted that the

petitioner did not disclose the fact that divorce had not been granted to him before solemnization of his marriage.

I have heard learned counsel for the parties and take note of the fact that the petitioner has been in custody since 25.09.2017 and the investigation in the said matter is complete, since the challan has been presented. The question whether Section 375/493 IPC is made out or not in the instant case, is a matter which has to be decided on merits. The ground for the rejection of the bail by the Addl. Sessions Judge, Sonapat is primarily on account of apprehension of the petitioner trying to influence the witnesses.

At this stage, learned counsel appearing on behalf of the State admits the fact that the matter stands investigated but submits that the charges are yet to be framed. As regards the letters received by the complainant's father, the DCP, Rohini District made a note that the matter should be looked into and thereafter SI Ravi Rana along with the Beat Constable contacted the complainant's father and assured him of full cooperation to which the complainant's father expressed his satisfaction.

In view of the fact that the Beat Constable is already overseeing the security of the complainant and complainant's family, the concern of the complainant stands addressed. The trial is likely to take some time to conclude and the petitioner has been in custody since 25.09.2017.

Keeping in view the above discussion and without expressing any opinion on merits of the case, the present petition is allowed. Petitioner Narender Kumar Indra is ordered to be released on regular bail on his furnishing bail bonds and surety bonds to the satisfaction of Chief Judicial

Magistrate/Duty Magistrate, concerned subject to following terms:-

- (i) The accused 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.

Before parting with this order, it is directed that the petitioner will make no attempt to contact the complainant or her family members or any witnesses cited by them. He is to maintain a distance of 25 Kilometers as prayed for by counsel for the complainant. In case, there is a breach or violation of the orders granting regular bail, the complainant/State is at liberty to approach this Court for revocation of the instant order.

24.01.2018

Satyawan

**(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned
Whether reportable

Yes.
No.