

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

Criminal Misc. No.M- 47985 of 2017(O&M)

Date of Decision: February 28 , 2018.

Sarik Ansari

..... PETITIONER (s)

Versus

State of Haryana

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Mohd. Salim, Advocate
for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

Mr. Puneet Palli, Advocate
for the complainant.

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

LISA GILL, J.

The petitioner prays for bail pending trial in FIR No.110 dated 04.08.2017 under Sections 376(2)(N)/384 IPC registered at Police Station Women Jhajjar, District Jhajjar.

The petitioner is stated to be a qualified BAMS doctor. He was afforded the concession of interim bail by this Court on 20.12.2017 and the following order was passed:-

“Learned counsel for the petitioner submits that FIR No.110,

dated 04.08.2017 was registered due to certain misunderstandings between the petitioner and the complainant.

It is contended that even as per the allegations in the FIR, the complainant and the petitioner had intimate relations for four years prior to the institution of the abovesaid FIR. Moreover, the complainant has been regularly visiting the petitioner while he stands incarcerated. Reference is made to the documents attached as Annexure P/4 with this petition reflecting the visit of the complainant (as a friend) in jail to meet the petitioner. It is submitted that the petitioner as well as complainant now seek to solemnize marriage with each other. The petitioner at this stage seeks interim bail so that the petitioner and the complainant may solemnize marriage.

Learned counsel for the State is unable to deny the documents attached as Annexure P/4.

In view of the peculiar facts and circumstances of the case, it is considered just and expedient to release the petitioner on interim bail till 01.03.2018 subject to his furnishing requisite bail bonds and surety to the satisfaction of the learned trial Court, Jhajjar.

List on 28.02.2018.”

The petitioner as well as the complainant, duly identified by their counsel, are present in Court.

It is submitted that marriage was solemnized by the petitioner with the complainant on 08.01.2018. They are both living together at the matrimonial home. The complainant submits that she has no objection in case this petition is allowed.

Learned counsel for the State, on instructions from ASI Somwati, verifies that the petitioner and the complainant have solemnized marriage and the petitioner is not involved in any other criminal case. 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.

Keeping in view the peculiar facts and circumstances of the case but without commenting upon or expressing any opinion on the merits thereof, this petition is allowed. The petitioner be released on bail pending trial subject to his furnishing fresh 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.

February 28 , 2018.
'om'

(**LISA GILL**)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No