

Criminal Misc. No. M- 5979 of 2018 (O&M)

Date of decision : February 16, 2018

Gulshan

.....Petitioner

Versus

State of Haryana

....Respondent

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Ms. Sunita Nambiar, Advocate for
Mr. Abhimanyu Singh, Advocate
for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

LISA GILL, J.

The petitioner prays for bail pending trial in FIR No. 674 dated 14.10.2017 under Sections 323, 376, 498A, 506 IPC registered at Police Station Bhiwani city, District Bhiwani.

It is submitted that the petitioner, who is the husband of the complainant, has been falsely implicated in this case. He has been in custody since October, 2017. It is argued that the allegations in the FIR are absolutely incorrect and this is reflected from a perusal of the medico legal report (Annexure P-1). Allegations of physical abuse to the complainant at the hands of the petitioner are complete negated by the said report. The petitioner, it is submitted, had never harassed or ill-treated the complainant in any manner. The petitioner has a filed petition under Section 9 of the Hindu Marriage Act, 1955 and he is desirous of resumption of matrimonial ties but the complainant never came forward. It is further submitted that application under Section 319 Cr.P.C. has been moved for summoning others to face trial as an additional accused after examination-in-chief of the

complainant. Trial, in this case, is not likely to conclude in the near future. It is, thus, prayed that this petition be allowed.

I have heard learned counsel for the parties.

Learned counsel for the State, on instructions, from ASI Narender Kumar, verifies the authenticity of the medico legal report (Annexure P-1). It is verified that the application under Section 319 Cr.P.C., as mentioned above, has indeed been filed and is pending before the learned trial Court for adjudication. The petitioner is not involved in any other criminal case. Trial, in this case, is not likely to conclude in the near future.

There are no allegations on behalf of the State that 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.

No useful purpose shall be served by keeping the petitioner incarcerated any longer. Keeping in view the facts and circumstances 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.

It is reiterated that none of the observations made herein above are a reflection on the merits of the case and shall have no bearing on the trial.

February 16, 2018

rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No