

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

CRM-M No.10323 of 2019
Date of decision: 28th May, 2019

Dalip Bera

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. G.C. Shahpuri, Advocate for the petitioner.

Mr. Baljinder S. Virk, Dy. Advocate General, Haryana
for the respondent/State.

FATEH DEEP SINGH, J. (ORAL)

Allegations against the petitioner Dalip Bera in this first regular bail application under Section 439 Cr.P.C. in case bearing FIR No.97 dated 08.10.2018 under Sections 342, 354B, 376, 511/34, 450 IPC pertaining to Police Station Faridabad, have been levelled by complainant, a married lady and sister of Kushal who had a matrimonial dispute with his wife Heena and regarding which it is alleged that the petitioner had been siding with the accused side. The precise allegations that have come about are that one day prior to the registration of this FIR which is on 08.10.2018, the accused petitioner Dalip Bera, his son Vishawajit, Nitesh and Kishan have forcibly took the complainant into a room, tore off her clothes, abused her, tried to violate her and gave her

beatings, leading to registration of the present case, in which the petitioner was arrested on 17.10.2018.

Learned counsel for the petitioner Mr. G.C. Shahpuri, Advocate inter alia contends that a bare perusal of the FIR would show that no allegation of actual rape has come about and being a pure case of matrimonial dispute, in which the petitioner has no role to play except that he happens to have intervened into the matrimonial dispute, he has been falsely implicated. It has been contended that the co-accused Kishan Lal has been allowed anticipatory bail by this Court and that the trial and investigation are not likely to conclude in the near future.

Learned State counsel Mr. Baljinder Singh Virk, Dy. Advocate General, Haryana on instructions from ASI Kalu Singh, though has not displaced the facts brought to the notice of his Court but has stoutly opposed the grant of relief on the grounds that if allowed bail the petitioner might stifle the trial.

Appreciating the submissions of the two sides, admittedly the petitioner is behind bars for more than seven months and culpability, if any, shall be determined at the trial which is not likely to conclude in the near future. In view thereof, this Court is of the opinion that no useful purpose will be served by keeping the petitioner in custody in the present case. Accordingly, he is ordered to be released on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Faridabad.

However, it is made clear that anything observed herein shall not be construed as an expression on the merits of the case.

The petition stands disposed off accordingly.

(FATEH DEEP SINGH)
JUDGE

May 28, 2019
rps

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