

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

218

CRM-M-18452-2019

Date of Decision:28.05.2019

Mohit

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

Present: Mr. Yashveer Kharb, Advocate,
for the petitioner.

Ms. Priyanka Sadar, A.A.G., Haryana.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail pending trial to the petitioner in FIR No.1087 dated 24.09.2018 under Sections 120-B, 328, 342, 366, 376, 506 IPC and Section 3(2)(v) of the SC&ST Act, registered at Police Station Sadar Karnal, District Karnal.

Learned counsel for the petitioner has submitted that the petitioner and the complainant have solemnized the marriage on 19.07.2018 and have sought protection from learned Sessions Judge, Karnal. Since parents of the complainant were not happy with this marriage, they got registered FIR No.374 dated 19.07.2018 under Section 365 IPC at Police Station Gannaur, Sonapat against the petitioner. He submits that in the aforesaid case, cancellation report has been prepared. Since the petitioner

had some relations with a girl Anjali, a resident of M.P. and this fact having

come to the notice of the complainant, she has lodged the present FIR against the petitioner. He further states that offence under Section 3(2)(v) of the SC&ST Act has been added in the case so as to give the colour of seriousness in the offences. Otherwise in the earlier case i.e. FIR No.374 dated 19.07.2018, there was no such allegation. Petitioner is in custody since 27.02.2019, challan has been presented and now the case is fixed for 04.06.2019 before the trial court for framing of charge. Thus, trial in the case will take sufficient long time.

Learned State Counsel does not dispute the custody. She states that challan has been presented and now the case is fixed for 04.06.2019 for framing of charge. However, she states that considering the nature of allegations against the petitioner and his previous conduct as he is an accused in FIR No.448/2018 under Sections 376, 344, 506 IPC, Police Station Baragarh, M.P., he is not entitled to be admitted on bail.

Heard learned counsel for the parties.

The record reveals that the petitioner and the complainant have solemnized the marriage on 19.07.2018 and have sought protection from learned Sessions Judge, Karnal. The parents of the complainant were not happy with the marriage so solemnized by the complainant with the petitioner, accordingly, FIR No.374 dated 19.07.2018 was registered against the petitioner. Considering the fact that the petitioner is in custody since 27.02.2019, challan has been presented and now the case is fixed for 04.06.2019 before the trial court for framing of charge and trial in the case will take sufficient long time, this Court deems it appropriate to admit the petitioner on regular bail.

Accordingly, the present petition is allowed and the petitioner

is admitted on regular bail, subject to furnishing of his bail bonds/surety bonds to the satisfaction of trial Court.

However, the observations made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall proceed the trial independently without being influenced by the order of bail passed by this Court.

May 28, 2019
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No