

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

212

CRM-M-53265-2018

Date of Decision:18.01.2019

Kavinder Giri

.....Petitioner

Versus

State of Haryana

.....Respondent

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

Present: Mr. ADS Sukhija, 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 to the petitioner in FIR No.451 dated 08.10.2016 under Section 346 IPC (the offences punishable under Sections 366, 376 IPC were added later on), registered at Police Station Gannaur, District Sonapat.

Learned counsel for the petitioner states that the prosecutrix remained with the petitioner in U.P. since 07.10.2016 to 21.10.2016. Her husband and the Haryana Police brought her back to Sonapat, but after staying for three days at Sonapat, she has again joined the petitioner in UP and continued to stay with him till 07.02.2018. She left her husband Satender despite having four children out of their wedlock. Thus, he argued that the present is a case of consensual relationship. He further states that the petitioner is in custody since 17.02.2018 and trial in the case will take

long time as against total 17 witnesses cited by the prosecution, only 04 witnesses have been examined so far.

Learned State Counsel does not dispute the custody period and the prosecution evidence adduced so far. However, she states that the prosecutrix remained with the petitioner under the influence of sedative and for this reason, she could not come out of his grip.

I have heard learned counsel for the parties.

As per allegations of the complainant, who happens to be husband of the prosecutrix, on 07.10.2016, she has gone to take medicine in Kukreja Hospital, Ganaur, where the petitioner who was residing as a labourer near the house of the prosecutrix was present. The petitioner had asked the prosecutrix to assist her in the Kukreja Hospital. Thereafter, he has taken the prosecutrix in his vehicle and after administering some sedative, he had taken her to U.P. on 07.10.2016. However, on 21.10.2016, she was brought back to Sonapat. Thus, she remained with the petitioner from 07.10.2016 till 21.10.2016. Again after coming back to Sonapat, she joined the petitioner and stayed with him till 07.02.2018. In this manner, she stayed with the petitioner for more than a year. Thus, the culpability of the petitioner is required to be adjudicated during the course of trial.

Considering the fact that the petitioner is in custody since 17.02.2018 and the trial in the case will take a sufficient long time as against total 17 witnesses cited by the prosecution, only 04 witnesses have been examined so far, this Court finds that the petitioner deserves to be admitted 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.

It is made clear that during the period of bail, the petitioner shall not extend any threat or pressure on the complainant or any other witnesses in any manner. In case, he is extending any threat, the prosecution shall be at liberty to seek cancellation of his bail in this case.

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

January 18, 2019
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No