

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

**CRM M-25690 of 2019
Date of Decision: 02 July, 2019**

Mukesh Singh Gurjar

.....Petitioner

Versus

State of Haryana

.... Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present : Mr. S.S. Verma, Advocate
for the petitioner.

Mr. Baljinder Virk, DAG, Haryana.

FATEH DEEP SINGH, J. (Oral)

This order shall dispose off anticipatory bail application under Section 438 Cr.P.C. moved in FIR No. 37 dated 27.02.2019 under Sections 346, 366, 376 and 34 IPC Police Station Badhra, District Charkhi Dadri.

The precise facts are that on 26.02.2019, wife of complainant, a married lady aged around 32 years was left by the complainant at a bus stand and from where she went missing and it is claimed that a missing report was got lodged with the police and it was on 09 March, 2019 she was got recovered and it is subsequent

thereupon the present complaint was got lodged on the allegations that accused/petitioner Mukesh Singh Gurjar alongwith co-accused had eloped with the victim and the accused was instrumental in defiling her at Allahabad.

Counsel for the petitioner contends that it was clearly a case of extra marital affair of a matured married grown up lady who had voluntarily gone with the accused and there is nothing substantial to show that the victim has been ravaged and that nothing is to be recovered.

Mr. Baljinder Virk, DAG, Haryana assisted by ASI Parveen though does not dispute the facts that have been canvassed at bar by the learned counsel for the petitioner but has opposed the bail on the ground of heinousness of offence.

Appreciating the submissions, it is the own stand of the State that the victim happens to be a married lady aged around 32 years with children had stayed with the accused for almost 14 days and has returned back on her own. Thus, a debatable issue arises over the very applicability of offences under Sections 346, 366, 376, 363 and 34 IPC and which can only be adjudicated at the trial.

In the light of what has been detailed and discussed above, together with the fact that culpability, if any, of the petitioner shall be determined at the trial which is not likely to be concluded in the near future. Therefore, in the event of arrest, the petitioner be

released on anticipatory bail to the satisfaction of Arresting/Investigating Officer. The petitioner shall, however, join the investigation as and when called for to do so and he shall abide by the conditions as envisaged under Section 438(2) Cr.P.C. Thereafter, will be released on regular bail upon presentation of challan.

Disposed off.

July 02, 2019
amit rana

(FATEH DEEP SINGH)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No