

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

CRM-M No.36375 of 2019

Date of decision: 5th September, 2019

Kulwant Singh

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Sukhtej S. Sandhu, Advocate for the petitioner.

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

FATEH DEEP SINGH, J. (ORAL)

In this first regular bail application under Section 439 Cr.P.C. in case bearing FIR No.15 dated 10.01.2019 under Sections 328, 342, 376, 498A, 506 IPC and Section 25 of the Arms Act, 1959 pertaining to Police Station City Tohana, District Fatehabad, the allegations have come about by the complainant wife Mandeep Kaur. In her complaint, the complainant alleges that she came across the petitioner and started interacting with him and on asking of the petitioner along with three other persons on 03.10.2018 solemnised marriage with the petitioner under intoxication and secured orders dated 06.10.2018 from this Court. It is subsequent thereto, a matrimonial dispute had arisen leading to the registration of the present case.

Learned counsel for the petitioner Mr. Sukhtej Singh Sandhu, Advocate inter alia contends that both, the petitioner and the complainant are grown up, major and mature persons who were in a relationship and had voluntarily married each other and secured protection orders from this Court, for which reliance is sought to be placed on Annexure P2, alleging further that it was a matrimonial dispute which has been given a twist of rape and that the petitioner is behind bars for the last almost seven months.

On behalf of the State, Mr. Baljinder Singh Virk, Dy. Advocate General, Haryana on instructions from SI Mohinder, Police Station City Tohana, with all fairness concedes to the facts that have been canvassed before this Court by learned counsel for the petitioner but has sought to stoutly oppose the grant of bail on the grounds of heinousness of the offence and seriousness of allegations.

Appreciating the arguments of the two sides, be that as it may, it is the own admission of the complainant that both, the petitioner as well as the complainant, are grown up persons and had entered into wedlock and sought protection orders from this Court and it is subsequently, when the relationship has gone sour, present allegations have come about. Thus, the culpability, if any, shall be determined at the trial which is not likely to conclude in the near future. The petitioner is behind bars sine a long time. 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, Fatehabad. 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

September 5, 2019
rps

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