

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-42765-2019 (O&M)
Date of Decision:-1.11.2019

Raja Ram @ Dev

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Shalender Mohan, Advocate for the petitioner.

Ms. Aditi Girdhar, Assistant Advocate General, Haryana.

Mr. Rajnikant Upadhyay, Advocate for the complainant.

GURVINDER SINGH GILL, J.(Oral)

CRM-33676-2019

In view of the reasons mentioned in the application, the same is allowed and the documents Annexures R-1 to R-14 (Colly) are taken on record subject to all just exceptions.

CRM-M-42765-2019

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered vide FIR No.53 dated 9.8.2019 at Police Station Women Sonapat, Haryana under Sections 376(2)(n), 467 and 468 of Indian Penal Code.

2. The FIR was lodged at the instance of Moni Jain, wherein it has been alleged that the petitioner Raja Ram showed a marriage certificate to her as regards solemnization of his marriage with the petitioner and on the basis of the said certificate, she took him as her husband and consented for physical relations. However, the said certificate was false. It is thus alleged that it was on the basis of false and forged marriage certificate that the petitioner had established physical relations with her.
3. The learned counsel for the petitioner has submitted that the FIR has been lodged on the basis of absolutely false, concocted and wierd allegations and that infact the complainant herself had been filing various petitions before various authorities while claiming herself to be wife of the petitioner. The learned counsel, in this regard, has referred to a petition (Annexure P-2) filed by the complainant under Section 125 Cr.P.C. against the petitioner seeking maintenance, wherein she had admitted the petitioner to be her husband. The learned counsel has also referred to a report (Annexure P-4) of Superintendent of Police, Sonapat wherein, upon inquiry, it was found that the complainant had been living as petitioner's wife since the year 1997 and two childrern had also been born out of the wedlock. A prayer has thus been made for grant of bail.
4. Opposing the petition, the learned State counsel assisted by the learned counsel for the complainant has submitted that since specific allegations have been levelled in the FIR, no case for grant of bail is made out.
5. I have considered rival submissions addressed before this Court.
6. Keeping in view the nature of allegations and also the fact that the complainant herself has admitted the petitioner to be her husband at the time

of filing a petition under Section 125 Cr.P.C. and also the fact that as of now challan already stands presented and that the petitioner has been behind bars since the last more than 2 months, further detention of the petitioner will not serve any useful purpose as the conclusion of trial will take some time. The petition, as such, is accepted and it is ordered that the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

1.11.2019

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No