

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-43451-2019

Date of decision : 20.11.2019

Tarsem

.... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Saurabh Sharma, Advocate
for the petitioner.

Ms. Aditi Girdhar, AAG, Haryana.

GURVINDER SINGH GILL, J (ORAL)

1. The petitioner has approached this Court seeking grant of regular bail in a case registered against him vide FIR No.693 dated 18.11.2018, registered at Police Station Safidon, District Jind, under Section 346 IPC, Sections 376(2)(n), 506, and 450 of IPC added later on.
2. The FIR was registered at the instance of Parveen wherein it has been alleged that on 11.11.2018, he went to work after taking meals and his children went to school while his wife was alone at home. It is alleged that his wife however went somewhere without informing anyone and although they had been searching for her and had been making inquiries but they did not get any clue about her whereabouts. It is also alleged therein that some cash and jewellery was also missing from the house.
3. Learned counsel for the petitioner has submitted that prosecutrix is a matured lady and had voluntarily left her house out of her own accord and she returned back home after 3 months and it was only after her statement was recorded that the petitioner came to be nominated as an accused. A prayer has thus been made for grant of bail.

4. Opposing the petition, learned State counsel has submitted that although the petitioner is not named in the FIR but after the prosecutrix was recovered, a statement was recorded under Section 164 Cr.P.C. on 18.02.2019 wherein she stated that she had received a telephone call from an unknown number and she dis-connected the same as the same was “wrong number”. However the said caller called again and proposed that the prosecutrix becomes his sister. Thereafter, the said caller started visiting the complainant’s house frequently. On one of the days when she was alone, he forcibly established physical relations with her while also issuing threat that he would eliminate the complainant’s husband and children. It is further stated by the complainant in her statement under Section 164 Cr.P.C. that thereafter the petitioner called her to Jind and also took her to Gohana, Delhi and Mathura and forcibly established physical relations with her and it was a great difficulty that she managed to escape. Learned State counsel has submitted that in view of the aforesaid statement recorded under Section 164 Cr.P.C., no case for grant of bail is made out..
5. I have considered rival submissions addressed before this Court. Keeping in view the fact that the petitioner has been behind bars since last about 9 months and that it is yet to be established as to whether the petitioner had forcibly established physical relations with her or as to whether it is a case of consensual relationship, in my opinion, further detention of the petitioner would not serve any purpose. The petition, as such, is accepted and it is ordered that petitioner be released on bail on

his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

20.11.2019
Dinesh

(GURVINDER SINGH GILL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No