

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

CRM-M-46071-2019

Date of decision:7.11.2019

SHOKAT

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. Saleem Ahmed, Advocate
for the petitioner.

Ms. Aditi Girdhar, AAG, Haryana.

GURVINDER SINGH GILL, J. (ORAL)

1. The petitioner seeks grant of regular bail in case registered vide FIR No.99 dated 14.11.2018 under Sections 365, 376-D, 506, 120-B IPC, registered at Police Station Nuh, District Nuh.
2. The FIR was lodged at the instance of father of the victim wherein it has been alleged that the victim aged about 30 years was married to the petitioner about 10 years back. It is alleged that on 12.11.2018 at about 5:30 p.m. when her daughter had gone out to answer call of nature, then a Bolero vehicle, which was not bearing any registration number approached her, which was being driven by Pappu, while other accused caught hold of the victim and forced her into the vehicle. It is alleged that on 30.11.2018, the complainant's daughter returned back home and was scared and disclosed to the complainant that accused named in the FIR i.e. Shoket, Pappu, Zakir and Nasru had all raped her.
3. Learned counsel for the petitioner has submitted that the FIR has been

lodged falsely on account of some matrimonial discord between the petitioner and his wife who has lodged the present FIR and that it is highly unlikely that the petitioner would have indulged into such an offence i.e. of getting his wife raped from other person. It is further submitted that in any case, the matter itself has now been resolved and the victim has furnished an affidavit (Annexure P-5) wherein she has deposed that she does not wish to take any action on the basis of FIR in question.

4. Opposing the petition, learned State counsel has submitted that since specific allegations have been levelled in the FIR, no case for grant of bail is made out. It has however been informed that investigation has concluded and challan has been presented.
5. Having considered rival contentions addressed before this Court and bearing in mind that the petitioner is none-else but husband of the victim and that investigation has been concluded & challan has been presented, in my opinion, no fruitful purpose would be served by further detaining the petitioner behind bars as the conclusion of trial, in its normal course, is likely to take some time. 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.

(GURVINDER SINGH GILL)
JUDGE

7.11.2019
Gaurav Sorot

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No