

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

CRM-M-2142-2020

Date of decision : 11.02.2020

Lavkesh Gaur

.... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. K.P. Singh, Advocate
for the petitioner.

Mr. D.R. Singla, DAG, Haryana
assisted by ASI Jagwanti.

Mr. M.R. Sharma, Advocate
for the complainant.

MANJARI NEHRU KAUL, J (ORAL)

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail in case FIR No.334, dated 27.09.2019, under Sections 376 and 506 of IPC, registered at Women Police Station, Saran, District Faridabad.

2. Learned counsel for the petitioner inter alia contends that the petitioner has been falsely implicated and in fact it is evident from the evidence recorded before the trial Court, wherein the complainant admitted to having been married to one Vishal and it has also been contended that the allegations in the instant case pertains to the same period when she was admittedly married with Vishal. It has further been contended that in the statement of complainant recorded under Section 164 Cr.P.C., there was no allegation levelled against the petitioner qua the alleged threats which made it apparent that it was a case of false implication.

3. Learned State counsel on the other hand has opposed the bail petition, though he does not controvert the fact that in the statement under Section 164 Cr.P.C. of the complainant, there was no complaint of any threat having been extended to her by the petitioner. Learned State counsel, on instructions from ASI Jagwanti, submits that out of total 12 prosecution witnesses cited, only the complainant has been examined.

4. Having considered the submissions made by either side, further detention of the petitioner will not serve any useful purpose. The petitioner has been behind bars since 28.09.2019, i.e. for about five months. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of trial Court/Duty Magistrate concerned. However, it is made clear that anything observed herein shall not be construed as an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

11.02.2020

Dinesh

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No