

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.

(110)

CRM-18715-2020 in
CRM-M-10828-2020
Date of Decision: August 07, 2020

Surender Kumar alias Kala

.. Petitioner

Versus

State of Haryana

.. Respondent

(Through video conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Sunil Kumar Goswami, Advocate,
for the petitioner.

Mr. Vishal Malik, Deputy Advocate General, Haryana.

HARSIMRAN SINGH SETHI, J.(ORAL)

CRM-18715-2020

Present application has been filed for preponing the date of hearing of the main petition i.e. CRM-M-10828-2020, which stands adjourned to 25.08.2020 to an early actual date.

Learned counsel for the petitioner states that present petition was filed in March, 2020 but due to the restrictions keeping in view the Covid-19 pandemic situation, CRM-M-10828-2020 has not been listed for hearing and the same stands adjourned to 25.08.2020, which is causing prejudice to the petitioner.

Notice of the application to the counsel opposite.

Mr. Vishal Malik, Deputy Advocate General, Haryana, who has joined the proceedings through video conference, accepts notice on behalf of the respondent and raises no objection for the grant of the prayer as raised in the application.

Keeping in view the above, the application is allowed and the hearing of the main petition is preponed for today.

CRM-M-10828-2020

Present petition has been filed under Section 439 Cr.P.C for the grant of regular bail to the petitioner in respect of FIR No.17 dated 15.02.2019 (Annexure P-1) under Sections 313, 323, 34, 376 (2) (n) and 506 of the Indian Penal Code as well as Section 3 of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 registered at Women Police Station, Jind, District Jind.

Learned counsel for the petitioner submits that the complainant was married to one Sh. Surender (not petitioner) in the year 2000 and the complainant is still married to said Sh. Surender. Learned counsel for the petitioner further submits that the allegations have been alleged against the petitioner Surender (son of Sh. Dilbagh) that the complainant was misled by him and he exploited her on the pretext of marriage. As per the submission of learned counsel for the petitioner, the said allegation is prima facie incorrect as the complainant continues to be married to Sh. Surender (not the petitioner) to whom she got married in the year 2000 and therefore, question of exploitation of the complainant by the petitioner on the pretext of marriage is patently false.

Learned counsel for the petitioner further states that the prosecutrix has already been examined and the trial is likely to take some time and keeping in view the facts and circumstances of this case, petitioner be granted the concession of regular bail.

Notice of motion.

Mr. Vishal Malik, Deputy Advocate General, Haryana, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice and concedes with regard to the factum that the complainant/prosecutrix was married to one Sh. Surender in the year 2000, out of the said wedlock, she has five offsprings. Learned State counsel concedes that there is nothing on record to prove that complainant got divorce from the said Surender Kumar legally and she is still married to the same man even as of now except that in the statement of the complainant she mentioned that she got a divorce before panchayat. Learned State counsel does not dispute that statement of the prosecutrix has already been recorded.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Keeping in view the facts and circumstances, as recorded above, especially that the material witness i.e. prosecutrix has already been examined and there is no likelihood of petitioner influencing the trial, as there are no such allegations, which are brought to the notice of this Court by the learned State counsel, the petitioner has made out a case for the grant of regular bail as the trial is likely to take some time and keeping the petitioner, who is already in custody since 12.03.2019, behind the bars, will serve no useful purpose.

In view of the above and without commenting upon the merits of the case, it is directed that the petitioner be released on regular bail, subject to the satisfaction of the trial Court/Duty Magistrate concerned.

Learned counsel for the petitioner undertakes that petitioner will not influence trial in any manner including influencing the witnesses and in case of default of the above undertaking, State will be at liberty to approach this Court for passing appropriate orders.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

August 07, 2020
harsha/naresh.k

(HARSIMRAN SINGH SETHI)
JUDGE

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