

S.No.102

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

CRM-M-20812 of 2020 (O&M)

Date of Decision:06.08.2020

Rajesh Kumar @ Khushia

.....Petitioner

Vs.

State of Haryana

.....Respondent

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IN VIRTUAL COURT

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CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Aditya Sanghi, Advocate for the petitioner.

Rajbir Sehrawat, J.(Oral)

The present petition has been filed by the petitioner under Section 438 Cr.P.C for grant of anticipatory bail in case FIR No.67 dated 22.06.2020 registered under Sections 376(2)(F), 376(2)(N), 323, 506, 34 IPC at Police Station Women Police Station Sirsa, District Sirsa, Haryana.

It is contended by counsel for the petitioner that the case against the petitioner is totally concocted. In fact, on instigation of somebody else, the wife of the petitioner has levelled false allegations against his father as well as against the present petitioner. The age of the complainant is 31 years and she is the legally wedded wife of the petitioner, therefore, there cannot be even any allegation of rape as such, unless the matrimonial aspect is distorted beyond recognition of social norms.

Notice of motion.

Mr. Anmol Malik, DAG, Haryana, accepts notice on behalf of the State.

Learned State Counsel, on instructions from ASI Manju Bala,

submits that there has been direct allegations against the petitioner. He has committed rape upon his own wife. Hence, the petitioner do not deserve any concession of anticipatory bail.

In view of the fact that the dispute is between husband and wife, this Court find it appropriate to grant concession of anticipatory bail to the petitioner. Hence, without commenting any further upon merits of the case, the present petition is allowed. The petitioner is granted concession of anticipatory bail. Therefore, it is directed that in case of his arrest, the petitioner shall be released on bail subject to his furnishing bail bonds/ surety bonds to the satisfaction of Arresting/ Investigating Officer. However, it is further directed that the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

August 06, 2020
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(RAJBIR SEHRAWAT)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No