

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

CRM-M-30390-2020
Date of decision 06.10.2020

Gurpreet Singh

...Petitioner

Vs.

The State of Haryana

...Respondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Anshul Mangla, Advocate,
for the petitioner.

Ms. Sheenu Sura, DAG, Haryana.

Ritu Bahri, J. (oral)

This petition under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.02 dated 03.01.2020, under Sections 376 (2) (N), 376-D IPC and Section 3 (XII) of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (initially registered under Sections 376/120-B and 506 IPC), registered at Police Station, Women, Yamunanagar, District Yamunanagar.

Learned counsel for the petitioner contends that complainant, in this case, is the wife of petitioner. He further states that this was the second marriage of complainant and she had obtained Panchayati divorce from her previous husband. There was an agreement dated 21.05.2019 between the petitioner and the complainant, as per which, petitioner would treat the complainant as his wife. A civil suit for declaration that agreement dated 21.05.2019 is null and void was filed by the complainant on 29.05.2019 (Annexure P-3) against the petitioner. However, the said suit was

withdrawn by her on 18.09.2019 (Annexure P-5). The complainant was not minor.

Learned State counsel, on instructions, informs that challan has been filed on 11.04.2020 and the next date fixed before the trial Court is 14.10.2020. The petitioner is in custody since 18.02.2020. She further informs that 16 prosecution witnesses are to be examined in this case.

Heard.

Keeping in view the period of incarceration of the petitioner and the fact that trial may still take some time for its conclusion, this court feels that there is no need to detain the petitioner any longer. Accordingly, this petition is allowed and petitioner is ordered to be enlarged on bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Yamunanagar.

06.10.2020
ajp

(RITU BAHRI)
JUDGE

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