

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

CRM-M-51053 of 2019 (O&M)

Date of Decision: February 20, 2020

Sumesh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. N.S. Shekhawat, Advocate
for the petitioner.

Ms. Mahima Yashpal, AAG Haryana.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.210 dated 29.07.2019, under Sections 376(2)(f), 420, 506, 34 of Indian Penal Code (Section 494 of IPC added later on) and Section 3 of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act registered at Police Station Dadri City, District Charkhi Dadri.

Learned counsel for the petitioner contends that the petitioner herein was taken into custody in the aforesaid FIR on 31.07.2019. It is submitted that the petitioner has been falsely implicated in the present case, while arguing that there is an allegation in the said FIR that the petitioner has concealed his first marriage. It is argued that there is enough evidence available that would specify the fact that the complainant was well aware of the fact that he was earlier married, out of which wedlock, there was a child

and being aware of this fact, she had got into relationship with him. It is also submitted that armed with this knowledge, she has travelled with him to Thailand. It is also contended that statements of all the material witnesses have been recorded and conclusion of trial will take sufficient time, therefore, the petitioner is entitled to be enlarged on bail.

Per contra, learned counsel appearing on behalf of respondent-State, on instructions from the Investigating Officer, opposes the grant of regular bail to the petitioner, however, does not dispute the fact that statements of the material witnesses have been recorded.

I have heard learned counsel for the parties.

Since, the trial is likely to take some time and in view of the facts that the petitioner herein has been in custody since 31.07.2019 and that statement of the material witnesses have already been recorded, no useful purpose would be served in keeping the petitioner behind bars. At this stage, without commenting on the merits of the case, the instant petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal bond and surety bond to the satisfaction of concerned trial Court/Duty Magistrate.

However, anything observed or said by this court is only for the purpose of deciding the instant petition for grant of regular bail and the same shall have no affect on the merits of the case.

February 20, 2020
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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No