

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

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**CRM-M-12984-2021
Date of decision: 30.04.2021**

BALBIR

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Abhinav Aggarwal, Advocate
for the petitioner.

Ms. Geeta Sharma, DAG, Haryana
for the respondent-State.

ARUN KUMAR TYAGI, J (ORAL)

(The case has been taken up for hearing through video conferencing.)

The petitioner has filed the present (first) petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No. 0889 dated 18.11.2020 registered under Sections 323, 328, 354-A, 376, 406, 498A, 506 and 511 read with Section 34 of the Indian Penal Code, 1860 (for short 'the IPC') at Police Station Karnal Sadar, District Karnal.

The petitioner being in custody has filed the present petition for grant of regular bail.

The petition has been opposed by the respondent-State. However, no reply has been filed by the respondent-State.

I have heard learned Counsel for the petitioner and learned State Counsel and have gone through the relevant record.

Learned counsel for the petitioner has submitted that the

petitioner has been falsely implicated in the case on the basis of bare verbal allegations of his wife. Earlier FIR No. 581 dated 17.08.2020 was registered under Sections 323, 324 and 506 read with Section 34 of the IPC at Police Station Karnal Sadar, District Karnal in which the petitioner was granted bail. Thereupon, the complainant lodged the present second FIR by moulding her statement within one month on almost similar allegations. There is no cogent evidence in support of the allegations made against the petitioner. The petitioner is ready and willing to keep his wife and he has also filed petition for restitution of conjugal rights under Section 9 of the the Hindu Marriage Act, 1955 but his wife left his parental house on her own sweet will under the influence of her parents. The trial is likely to take long time due to restrictions imposed to prevent the spread of infection of Covid-19 and no useful purpose will be served by further detention of the petitioner in custody. Therefore, the petitioner may be granted regular bail.

On the other hand, learned State counsel has submitted that the petitioner has committed heinous matrimonial offences by maltreating his wife as mentioned in the FIR. In view of the nature of accusation and gravity of offences, the petitioner does not deserve grant of regular bail. Therefore, the petition may be dismissed.

In view of the above referred facts and circumstances of the case, nature of accusation and evidence against the petitioner, the factum of the petitioner being on bail in earlier FIR lodged by the complainant-wife, period of his custody and also the fact that trial is likely to take long time due to restrictions imposed to prevent the spread of infection of Covid-19 but without commenting on the merits

of the case, I am inclined to extend the concession of regular bail to the petitioner.

In view of the above, the petition is allowed and the petitioner is ordered to be released on regular bail on furnishing of personal and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

30.04.2021

Vishal

(ARUN KUMAR TYAGI)
JUDGE

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