

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Sr. No.213

Case No. : Crl. Misc. No.M-19107 of 2021

Date of Decision : June 29, 2021

Gurpreet Singh

.... Petitioner

vs.

State of Haryana

.... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL.

(Through Video Conferencing)

Present : Mr. Paramjit Singh Sullar, Advocate, for the petitioner.

Ms. Ranjana Shahi, Addl. A.G., Haryana.

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MANJARI NEHRU KAUL, J. (Oral) :

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail in FIR No.210 dated 28.09.2020 under Sections 354, 384, 506, 509 IPC, (Sections 376, 34 IPC and Sections 3(W), I, II, III (2) V of SC/ST (Prevention of Atrocities) Act, 1989 (Amendment 2015) added later on) registered at Police Station, Ismailabad, District Kurukshetra.

Learned counsel for the petitioner inter alia contends that a false and fabricated case has been planted upon the petitioner by the prosecutrix pursuant to their relations having turned sour. Learned counsel, while inviting the attention of this Court to Annexure P-4, which is supplementary statement of the prosecutrix, submits that she had categorically stated therein that she had got married with the petitioner at a Gurudwara in Chandigarh on 04.04.2019. However, subsequently, in her statement recorded under Section 164 Cr.P.C., the prosecutrix had come up with an altogether contrary version inasmuch as she intentionally concealed the factum of marriage between her and the petitioner and levelled false allegations of rape against him. The learned counsel, in support of his

submissions qua the solemnization of marriage between the prosecutrix and the petitioner, has invited the attention of this Court to the Marriage Certificate annexed as Annexure P-5 and the photographs of marriage annexed as Annexure P-6. Learned counsel submits that the petitioner is in custody since 14.10.2020 and there is no likelihood that the trial would conclude any time in near future as only charges have been framed till date.

Per contra, learned State counsel, while opposing the prayer of learned counsel for the petitioner, has not been able to controvert the factum of the prosecutrix having solemnized her marriage with the petitioner and also the contents of her statement made under Section 161 Cr.P.C.

Heard.

In view of the submissions made by learned counsel for the parties and keeping in view the fact that the petitioner is in custody since 14.10.2020, no useful purpose would be served by keeping him behind the bars as the trial is unlikely to conclude in near future, I deem it a fit case to grant the concession of regular bail.

The petition is allowed and the petitioner is admitted to bail to the satisfaction of the concerned Trial Court/Duty Magistrate. However, it is made clear that any observation made herein shall not be construed as an expression of opinion on the merits of the case.

June 29, 2021

(MANJARI NEHRU KAUL)
JUDGE

monika

Whether speaking/reasoned ?	Yes/No.
Whether reportable ?	Yes/No