

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

CRM-M-19261 of 2021(O&M)

Date of Decision: 24.05.2021

Inderjeet

Petitioner.

Versus

State of Haryana

Respondent

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr.Kunal Dawar, Advocate
for the petitioner.

Mr. Ashish Yadav, Addl.AG., Haryana.

LISA GILL, J.

This matter is being taken up for hearing through video conferencing due to outbreak of the pandemic, COVID-19.

Petitioner, seeks the concession of bail pending trial in FIR No.162 dated 28.03.2019, under Sections 346, 376, 328, 343, 379-A, 450, 506 IPC, registered at Police Station Sadar Ballabgarh, District Faridabad.

The abovesaid FIR was registered on a complaint by the husband of the prosecutrix, stating that she left her matrimonial home on 12.03.2019 at about 3.30.p.m. It is further stated that prosecutrix had eloped with the present petitioner while taking away Rs.10,000/- and some jewellery from the house. It is further stated that the complainant's wife i.e., the prosecutrix was residing with the petitioner, out of her own free will. Petitioner is the son of complainant's maternal uncle. Statement of prosecutrix under Section 164 Cr.P.C was recorded on 06.04.2019, wherein she stated that she was administered some intoxicant by the petitioner, when she was proceeding to her parental home at Palwal from her matrimonial home along with her minor son. She was taken to Amrtisar by the

petitioner in a forcible manner. Allegations of rape being committed on the victim and snatching of her Mangalsutra, Jewellery, which she was wearing as well as Rs.10,000/- which she was carrying, have been raised.

Learned counsel for the petitioner vehemently argues that first and foremost there is an unexplained delay of 16 days in registration of the FIR. Furthermore, the complainant has himself stated that the prosecutrix left her matrimonial home out of her own free will and volition on 12.03.2019 and was residing with the petitioner out of her own free will. Learned counsel further submits that the Medico Legal Report as well as Forensic Science Laboratory (FSL) report, wherein presence of semen was also not detected, do not indicate commission of any offence by the present petitioner. It is further submitted that challan in this case stands presented and the petitioner is not involved in any other criminal case. It is thus prayed that the present petition be allowed.

Heard learned counsel for the parties and have gone through the file with their assistance.

Learned counsel for the respondent-State, is unable to deny the initial complaint by the husband of the prosecutrix, wherein it is stated that prosecutrix left the matrimonial home along with the petitioner while taking jewellery and Rs.10,000/- and was living with the petitioner out of her free will. Petitioner is admittedly major, married and having one son. Medico Legal Report (MLR) as well as Forensic Science Laboratory (FSL) report, as referred to by the learned counsel for the petitioner is a matter of record. Learned counsel for the State, on instructions from SI Sandeep, Police Station Sadar Ballabgarh, verifies that the petitioner is not involved in any other criminal case and that the challan/final report under Section 173 Cr.P.C stands presented.

There are no allegations on behalf of the State that the petitioner is likely to abscond or that he is likely to dissuade the witnesses from deposing true facts in Court, if released on bail. No useful purpose would be served by keeping the petitioner incarcerated any longer in the facts and circumstances of this case as well as the peculiar conditions created due to the outbreak of pandemic COVID-19.

Keeping in view the facts and circumstances as above but without commenting upon or expressing any opinion on the merits of the case, this petition filed by petitioner-Inderjeet, is allowed. The petitioner be released on bail pending trial subject to his furnishing requisite bail bonds and surety to the satisfaction of the learned Trial Court/Duty Magistrate.

Petitioner shall not try to contact the complainant or any of the witnesses/family members in any manner directly or indirectly. Any such infraction shall entail cancellation of bail afforded to her.

It is clarified that none of the observations made hereinabove shall be construed to be a reflection on the merits of the case. The same are solely confined for the purpose of decision of the present petition.

24.05.2021
s.khan

[LISA GILL]
Judge

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