

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-19511-2021

Date of Decision: 24.05.2021

Sourabh Sohal

....Petitioner(s)

Versus

State of Haryana

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Navneet Singh, Advocate, for the petitioner.

Mr. Naveen Singh Panwar, DAG, Haryana.

Through Video Conferencing

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed seeking grant of regular bail under Section 439 of Code of Criminal Procedure in FIR No.36 dated 10.03.2021, under Sections 376/377/323/454/380 IPC, registered at Police Station Women, Sonipat, District Sonipat.

The learned counsel for the petitioner has argued that in the present case the petitioner has been falsely implicated by lodging a false FIR against the petitioner. The petitioner was married with the complainant-prosecutrix and as per the FIR which was lodged by the prosecutrix it has been narrated by her that she got divorced by way of mutual consent on 10.02.2021 on the basis of false story made by the petitioner that in case she

did not give divorce then the life of the petitioner would be under threat because of another girl whose sister happened to be a police officer and wanted to marry the petitioner. Thereafter, divorce by way of mutual consent was granted and now in order to blackmail the petitioner the present FIR has been lodged on 12.03.2021 after a month of the grant of divorce by way of mutual consent. The complainant has not challenged the decree of divorce but has stated in the FIR that after the divorce they have started living together again on the belief that they will marry again and, therefore, she had made physical relation with the petitioner. The learned counsel submitted that on the face of it the story put forward by the complainant and the prosecution was improbable and concocted. He further submitted that no medical has been conducted and the offence of Section 376 and 377 IPC is not made out on the face of it. He further submitted that the petitioner is in custody since 05.04.2021 and is not involved in any other case and, therefore, he may be granted the concession of regular bail.

On the other hand, Mr. Naveen Singh Panwar, learned Deputy Advocate General, Haryana has stated that it is correct that the petitioner is in custody since 05.04.2021 and has opposed the grant of bail on the ground that the matter is serious in nature because it involves Section 376 and 377 IPC.

I have heard the learned counsel for the parties.

As per the allegations contained in the FIR the petitioner and the prosecutrix were husband and wife and there is a child also born from the wedlock and thereafter, they got divorce by way of a mutual consent on 10.02.2021 and the present FIR has been lodged on 10.03.2021 by stating that she had developed physical relation with the petitioner on the ground

that the divorce was not proper and it was only on the basis of threat. However, as per the petitioner the prosecutrix has not challenged the aforesaid divorce as of now. No medical examination has been conducted. However, it is not the case of the State that in case the petitioner is released on bail then he may influence any witness or may tamper with any evidence or may flee from justice.

Therefore, without commenting on the merit of the case and considering the totality of circumstances in the present case, the present petition is allowed. The petitioner shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

24.05.2021

rakesh

(JASGURPREET SINGH PURI)
JUDGE

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