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

CRM-M No.24999 of 2021 (O&M)
Date of Decision:07.07.2021
(Heard through VC)

Rajender ...Petitioner

Versus

State of Haryana ...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Manish Soni, Advocate
for the petitioner.

Mr. Dhruv Sihag, AAG, Haryana.

Mr. Dharamveer Sharma, Advocate
for the complainant.

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JAISHREE THAKUR, J. (ORAL)

This is a petition that has been filed for grant of regular bail to the petitioner in FIR No.103 dated 19.03.2021 registered under Sections 376, 354A, 506, 34 IPC at Police Station Badshahpur, District Gurugram.

Learned counsel for the petitioner herein would contend that the complainant Deepa Bhatt wife of Jagdish Bhatt has got registered an FIR under Sections 376, 354A and 34 IPC on 19.03.2021. Thereafter, she had made a statement under Section 164 Cr.P.C. on that very day itself stating that she got the said FIR registered against the petitioner out of anger and she did not want the matter to be pursued further. It is argued that the complainant has also suffered an affidavit (Annexure P-5) to the said effect. In fact, the complainant, being the care taker, is residing with the petitioner in his house. It is submitted that the matter has been investigated and the

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challan stands presented and therefore, custodial interrogation of the petitioner would no longer be required.

Learned counsel for the respondent-State opposes grant of bail to the petitioner by contending that the allegations under Section 376, 354, 34 IPC have been levelled against him.

At this stage, appearance has been caused on behalf of the complainant, who affirms the affidavit and would submit that the said FIR has been wrongly registered in anger. Counsel for the complainant would further submit that the complainant has no objection in case regular bail is allowed to the petitioner. He also confirms the fact that the complainant is currently residing in the house of the petitioner, being a care taker.

I have heard learned counsel for the parties. Keeping in view the fact that the investigation has been completed and the challan stands presented and the fact that trial is likely to take some time to conclude, no useful purpose would be served in keeping the petitioner behind bars. The instant petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal/surety bond to the satisfaction of concerned trial Court/Duty Magistrate. However, any observation made herein shall not be construed to be an expression on merits of the case.

(JAISHREE THAKUR)
JUDGE

July 07, 2021
Pankaj*

Whether speaking/reasoned Yes/No

Whether reportable Yes/No

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