

**205 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
(through video conferencing)**

CRM-M-21384-2020
Decided on : 23.02.2021

Ashish Dhayia

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Deepak Thapar, Advocate
for the petitioner.

Mr. Rajiv Goel, DAG, Haryana.

Manjari Nehru Kaul, J.

The present petition has been filed under Section 439 Cr.P.C., for grant of regular bail to the petitioner in case FIR No.68 dated 26.09.2019 under Sections 323, 328, 376, 377, 506 and 34 IPC 1860 registered at Police Station Women Sonapat District Sonapat.

Learned counsel for the petitioner states that perusal of the FIR clearly reveals that the prosecutrix was a consenting party to the relationship. In fact, the prosecutrix is the wife of the petitioner and they have performed marriage. He further submits that pursuant to order dated 29.10.2020 passed by this Court, petitioner has been released on interim bail and during this period, he has not tried to influence or tamper with the evidence in any way.

Per contra, learned State counsel on instructions from ASI Amandeep has not been able to controvert the factual aspect of the submissions so made by the learned counsel for the petitioner. He further submits that 4 out of 14 prosecution witnesses which include the prosecutrix have been examined.

In view of the above, the petition is allowed and interim order dated 29.10.2020 passed by the Coordinate Bench, is made absolute subject to furnishing of his fresh bail bonds/surety bonds to the satisfaction of the trial Court. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

23.02.2021
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(MANJARI NEHRU KAUL)
JUDGE

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