

209.

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

CRM-M-28177-2021

Date of Decision: 29.10.2021

(Heard through VC)

SUDHIR KUMAR

.... Petitioner

Versus

STATE OF HARYANA

.... Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Prateek Rathee, Advocate,
for the petitioner.

Ms. Deepshikha Chauhan, AAG, Haryana.

JAISHREE THAKUR.J (Oral)

This is a petition that has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.610, dated 02.10.2020, registered under Sections 376, 201, 494 and 506 of IPC at Police Station Sadar, Gurugram.

Counsel for the petitioner herein would contend that it is an admitted fact, as would be evident from the testimony of the prosecutrix herself, that they were in a relationship. The complainant was well aware of the fact that the petitioner herein was a married man as would be evident from her statement that she was expecting him to solemnize marriage after getting divorce. It is submitted that the statement of the prosecutrix has been

recorded and, therefore, the custody of the petitioner would no longer be required as he would not be in a position to influence her testimony. It is submitted that in case the petitioner is granted regular bail, he would be in a position to set up his defence properly which might not be possible while incarceration.

On the other hand, learned State counsel opposes the grant of regular bail to the petitioner by contending that the trial is at fag end and the prosecution witnesses have been examined and now it is kept for defence evidence. Learned State counsel would also submit that the complainant had contacted her today and had stated that the family of the petitioner is continuously harassing her.

I have heard learned counsel for the petitioner as well as the State counsel and have also perused the statement of the complainant.

Without going into the merits of the case, this Court deems it appropriate to release the petitioner on regular bail considering the fact that the testimony of the prosecutrix has already been recorded and he would not be in a position to influence the material witnesses.

Accordingly, the instant petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal bond and surety bond to the satisfaction of concerned trial Court/Duty Magistrate.

However, while allowing regular bail to the petitioner, it is made explicitly clear that in case the complainant is harassed by the

petitioner or his family members in any manner whatsoever, the complainant would be at liberty to seek appropriate redressal of her grievance.

Any observation made herein shall not be construed to be an expression of opinion on merits of the case.

(JAISHREE THAKUR)
JUDGE

29.10.2021
sanjeev

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No