

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

Criminal Misc. -M No.23270 of 2020(O&M)

Date of Decision: August 24 , 2021.

Pawan Kumar Pandey

..... PETITIONER

Versus

State of Haryana

..... RESPONDENT

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Ram Pal Verma, Advocate
for the petitioner.

Mr. RKS Brar, Addl.AG, Haryana.

Mr. HPS Bhinder, Advocate
for the complainant.

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

LISA GILL, J.

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

Petitioner seeks bail pending trial in FIR No.422 dated 25.09.2019 under Sections 323/377/376/498A/511/313/406/506/34 IPC, registered at Police Station Ganaur, District Sonapat. This is petitioner's second bail application, first having been dismissed as withdrawn on 12.06.2020.

Allegations against the petitioner as per the abovesaid FIR are that, the petitioner on assurance of marriage, developed physical relations with the complainant. However when she insisted on marriage, petitioner started avoiding her. Thereafter marriage between the petitioner and the complainant was solemnized, but as per allegations, petitioner solemnized marriage with the complainant only with a view to avoid criminal proceedings. Petition under Sections 11 and 12 of the Hindu Marriage Act was filed by the complainant. Various allegations of harassment, physical abuse etc. have been raised against the petitioner and his family members.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the matter. It is submitted that FIR in question stems from matrimonial discord between the parties. It is further submitted that petitioner had been in custody since 07.10.2019 till he was afforded interim bail and that there is no headway in the trial. Petitioner further undertakes to face trial and not misuse the concession of bail, if afforded to him. It is thus prayed that this petition be allowed.

In order to explore the possibility of an amicable resolution of the dispute, interim bail was afforded to the petitioner by this Court vide order dated 10.11.2020. However, the matter could not be resolved amicably between the parties.

Learned counsel for the State, on instructions from ASI Ms. Darshana, SHO, P.S. Women Sonipat verifies that the petitioner is not involved in any other criminal case and was in custody from 07.10.2019 till grant of

interim bail. It is further verified that there has been no complaint of any misuse of interim bail afforded to the petitioner in this case since 10.11.2020. Final report/challan 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 before the Court, if released on bail.

Trial in this case is not likely to conclude in the near future. No useful purpose would be served by keeping the petitioner incarcerated any longer in the present facts and circumstances of this case.

Keeping in view the facts and circumstances of the case but without commenting upon or expressing any opinion on the merits thereof, this petition is allowed and petitioner is afforded bail pending trial. Interim bail afforded to the petitioner vide order dated 10.11.2020 is made absolute subject to his furnishing fresh bail bonds and surety to the satisfaction of the learned Trial Court.

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.

August 24 , 2021.
'om'

(LISA GILL)
JUDGE

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