

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

CRM-M-31995-2021(O&M)

Date of Decision: 13.08.2021

(Heard through V.C.)

Nasim

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Saleem Ahmed, Advocate for the petitioner.

Ms. Deepshikha Chauhan, A.A.G., Haryana

JAISHREE THAKUR, J. (Oral)

This is the petition that has been filed for grant of regular bail to the petitioner in case FIR No.041 dated 26.02.2021 under Sections 295-A, 323, 363, 376-D, 377 and 506 of IPC (Sections 295-A and 376-D was deleted and Section 376 IPC was added later on) registered at Police Station Nagina, District Nuh.

Learned counsel for the petitioner herein would contend that he has been falsely implicated in the said FIR. It is submitted that the complainant had solemnized the marriage with the petitioner herein of her own free will as would be evident from the fact that the petitioner and the complainant filed a joint Civil Writ Petition No.29599 of 2019 titled as '*Naseem and another Vs. State of Haryana*' before the High Court seeking protection from the parents and relatives as the marriage had been performed against the wishes of their parents. Thereafter, the petitioner and the complainant had approached the Superintendent of

Police and they were sent to protection home and thereafter, they continued to live in the house of the petitioner as husband and wife. In fact, the father of the complainant had got an FIR registered No.515 dated 05.10.2019 under Sections 363, 366 IPC at Police Station Tauru, District Nuh and during investigation, the statement of the complainant herein was recorded where she specifically stated that the marriage was performed without any pressure and on the basis of the statement the FIR was cancelled. It is argued that the present FIR has been registered after an inordinate delay and on false allegations that she has recently come to know that Naseem has married with two other girls and having three children and that the petitioner pressurized the complainant to share bed with his friend Irshad for one night. It is submitted that in fact the matter has been investigated and challan presented and therefore, as all allegations in the FIR patently false, regular bail be allowed to him.

Learned counsel for the respondent-State opposes the grant of regular bail referring to the allegations in the FIR. On asking of the Court, learned State counsel on instructions from ASI Manoj Kumari submits that no obscene video has been recovered and as per the FSL report no semen has been detected.

I have heard counsel for the parties and have also perused case file.

Keeping in view the fact that the matter has been investigated and challan stands filed and the trial is not likely to conclude in the near future, I deem it appropriate to grant concession of regular

bail to the petitioner, at this stage. The petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing adequate bail and surety bonds to the satisfaction of trial Court/Duty Magistrate concerned.

Any observation made hereinbefore are purely for the purpose of deciding this bail application and shall not be constructed as observation on merits of the case.

13.08.2021
ps-I

(JAISHREE THAKUR)
JUDGE

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