

CRM-M-33931-2021 (O&M)

Decided on : 17.12.2021

Sandeep

..... Petitioner

Versus

State of Haryana & anr.

..... Respondents

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAULPresent : Mr. Aditya Sanghi, Advocate
for the petitioner.

Ms. Gaganpreet Kaur, AAG, Haryana.

Mr. Sushant Kareer, Advocate
for the complainant.

MANJARI NEHRU KAUL, J.

Instant petition has been filed under Section 439 Cr.P.C., for grant of regular bail to the petitioner in case FIR No.64 dated 19.06.2021 under Sections 376(2)(n) and 506 IPC, 1860 and Section 3 of SC/ST Act registered at Police Station Women District Hisar.

Learned counsel for the petitioner submits that the prosecutrix while stepping into the witness box had not supported the case of the prosecution, as a result of which, she was declared hostile.

Learned State counsel on instructions from L/ASI Sudesh does not dispute the factum of prosecutrix not supporting the case of the prosecution during trial.

Learned counsel for the complainant has, however, vehemently opposed the prayer made by counsel opposite and submitted that in fact the petitioner had taken the prosecutrix for a ride inasmuch as he had not even solemnized marriage with her.

Heard learned counsel for the parties and perused the material available on record.

It is indeed very strange that the learned counsel for the complainant after having admitted and conceded on the last date of hearing before this Court that the prosecutrix had turned hostile during the trial and she had indeed solemnized marriage with the petitioner, was opposing the grant of bail to the petitioner by urging that the marriage between the parties had in fact not been solemnized as it was yet to be registered before the Registrar of Marriage. He has, however, admitted that the prosecutrix was declared hostile during trial as she failed to support the case of the prosecution.

In the facts and circumstances of the case as enumerated hereinabove, instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned. 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.

17.12.2021

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(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable :

Yes/No