

BRIJPAL SHARMA

... PETITIONER

V/S

STATE OF HARYANA AND ANOTHER

... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Tapish Kumar Gupta, Advocate for the petitioner.

Mr. Vikas Bhardwaj, AAG Haryana.

Mr. V.S.Haritwal, Advocate for respondent No.2.

* * *

VIVEK PURI, J. (ORAL)

Custody certificate has been taken on record.

The petitioner is seeking regular bail in case bearing FIR No. 326 dated 18.08.2021 under Sections 323, 328, 506 & 509 of IPC, registered at Police Station Rajendra Park, District Gurugram.

Briefly, the allegations levelled against the petitioner are to the effect that his marriage was solemnized with the complainant on 19.02.2003 and two children were born from the wedlock. The complainant had suffered miscarriage at the time of first pregnancy at the hands of the petitioner due to harassment meted out to her. Subsequently, also the attempts were made to administer some poisonous substance to the complainant.

Learned counsel for the petitioner contends that the matrimonial dispute has been amicably settled and the petitioner along with the complainant and two children are now happily residing together.

Mr. V.S.Haritwal, Advocate has put in appearance on behalf of respondent No.2 and placed on record his Vakalatnama. He has not disputed the aforesaid factual aspect and re-affirmed the fact of compromise having been effected between the parties.

Learned State counsel has opposed the bail application on the score that challan has been submitted but the charges are yet to be framed. There are serious allegations levelled against the petitioner.

Be that as it may, the custody certificate indicates that the petitioner has undergone incarceration for a period of 24 days. The investigation of the case is complete, the challan has already been presented, and the conclusion of trial is likely to take some time. Moreover, it has not been disputed by learned counsel appearing for the complainant that the matrimonial dispute has been amicably settled and the petitioner along with the complainant and two minor children are happily residing together. It has also not been disputed that a separate petition for quashing the FIR on the basis of compromise has also been instituted in this Court.

Therefore, without making any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing fresh bail bonds/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

The petition is allowed.

19.04.2022

Janki

(VIVEK PURI)
JUDGE

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