

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.217

CRM-M-26784-2022

Date of decision: 19.09.2022

Naresh Kumar

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Yashveer Kharb, Advocate for the petitioner.

Ms. Sheenu Sura, DAG, Haryana.

Mr. R.N. Lohan, Advocate, for the complainant.

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DEEPAK SIBAL, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.276 dated 23.11.2021 registered under Sections 376(2)(n), 406 and 506 IPC at Police Station Pillukhera, District Jind.

On 17.11.2021, the prosecutrix filed a complaint with the police as per which on 23.07.2021, the petitioner pretended to marry her and thereafter raped her for 35 days after which she was thrown out of the petitioner's house on the ground that they were not a married couple.

On the basis of the above complaint, after lodging of the FIR in question, the petitioner was arrested and after investigation the police prepared a report seeking cancellation of the FIR in question. When the prosecutrix came to know this fact she filed a complaint with the Inspector General of Police, Hisar Range, Hisar (for short – the IG) under orders of whom the matter was further investigated and as a result whereof the petitioner was now found guilty. After conclusion of the investigation a report under Section 173(2) Cr.P.C. was filed by the police before the

competent Court. It is at this stage that the petitioner seeks regular bail.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case on account of marital discord between the petitioner and the prosecutrix; the petitioner is in custody since 07.03.2022; investigation in the case is complete and therefore, the petitioner is not in a position to influence the same; in the investigation conducted by the Deputy Superintendent of Police, Jind (for short – the DSP), the petitioner was found innocent; on the basis of enquiry conducted by the DSP, the State had prepared a report seeking therein cancellation of the FIR in question; only under the pressure of the IG, the matter was further investigated and the petitioner is now sought to be prosecuted; the report by the DSP clearly reveals that on 23.07.2021, the petitioner and the prosecutrix/complainant had got married (in this regard attention of this Court is also drawn to the photographs of such marriage which are appended to this petition); after 35 days of their marriage it is the prosecutrix who backed out of her promise of marriage and embroiled the petitioner in this false case and that the petitioner is still ready and willing to take the prosecutrix as his legally wedded wife.

Learned State counsel opposes the grant of bail to the petitioner on the ground that the petitioner is accused of offences under Section 376 (2)(n), 406 and 506 IPC.

The petitioner is in custody since 07.03.2022; investigation in the case is complete; in the enquiry conducted by the DSP the petitioner was found innocent; on the basis of the afore enquiry the police had prepared a report seeking therein cancellation of the FIR in question; there is no complaint by the State that the petitioner did not cooperate with the

investigation; the petitioner is still ready and willing to take the prosecutrix as his legally wedded wife and that the trial of the petitioner, if and when it begins, is likely to take a long time to conclude.

Keeping in view the totality of the above facts, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Jind, the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

September 19, 2022
Jyoti 1

Whether speaking/reasoned
Whether reportable

(DEEPAK SIBAL)
JUDGE

Yes/No
Yes/No