

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(222-1)

CRM-M-39992-2021

Date of decision:- 05.04.2022

Gaurav Pathak

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. S.K.Tripathi, Advocate for the petitioner.

Ms. Deepshikha Chauhan, AAG, Haryana
for State-respondent No.1.

Mr. Pardeep Hira, Advocate for
Ms. Deipa Singh, Advocate for complainant.

SUVIR SEHGAL, J. (Oral)

While granting interim protection to the petitioner, this Court passed the following order in the main case on 02.11.2021:-

“Counsel for the petitioner herein prays for grant of regular bail to the petitioner in FIR No.189 dated 27.08.2021, registered under Sections 376(2)(n), 406, 506 of Indian Penal Code, registered at Police Station Women NIT, Faridabad.

Counsel for the petitioner would contend that in fact, the matter has been compromised between the parties and the statement of the complainant has already been recorded before the Investigating Officer on 04.10.2021 stating that the marriage of the complainant is to be solemnized with the petitioner Gaurav Pathak. Based on the said statement, counsel for the petitioner herein prays for grant of regular bail to the petitioner.

Learned counsel appearing on behalf of the respondent-State opposes the grant of regular bail to the petitioner, by contending that the petitioner herein has been nominated as an accused under Sections 376(2) (n), 406, 506 of Indian Penal Code. However, she is not in a position to dispute the fact that statement of the complainant has been recorded to the effect that parties are going to solemnize their marriage.

I have heard learned counsel for the parties and have also perused the statement of the complainant (Annexure P-4) in which she has specifically stated that she would have no objection if conditional bail is allowed to the accused, so that marriage can be solemnized between the

petitioner herein and the complainant. She has also stated that if the condition is not fulfilled, then legal action be taken against the petitioner.

In view of the above, at this stage, without commenting on the merits of the case, the petitioner is directed to be released on conditional bail on execution of adequate personal bond and surety bond to the satisfaction of concerned trial Court/Duty Magistrate for a period of three months.

List on 03.02.2022.”

Status report by way of an affidavit of Assistant Commissioner of Police, Mujessar, District Faridabad has been filed by the State, which is taken on record, wherein it has submitted in paras 3 and 4 as under:-

“3. That after completion of investigation, the challan against the petitioner/accused has been submitted on 12.10.2021. The charge against the petitioner/accused has been framed on 16.12.2021. Now the present case is fixed on 28.04.2022 before Ld. Additional Sessions Judge/Fast Track Court, Faridabad for prosecution evidence. There are 17 prosecution witnesses in the present case and no witness has been examined so far.

4. That the petitioner/accused has though solemnized marriage with the prosecutrix on 29.11.2021 in Arya Samaj Mandir, Unchagaon, Sector-64, Ballabgarh, District Faridabad. However, since the offence against the petitioner/accused is non compoundable in nature, therefore, the petitioner/accused is not entitled for any relief as prayed for in the present petition.”

In view of the above verification, interim order dated 02.11.2021 is made absolute.

Petition is allowed.

(SUVIR SEHGAL)
JUDGE

05.04.2022
Kamal

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No