

CRM-M-46823-2022

Date of decision: 17.10.2022

SACHIN

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Vikram Bali, Advocate for the petitioner.

Mr. Gurbir Singh Dhillon, AAG, Haryana

VIVEK PURI, J. (ORAL)

Custody certificate of the petitioner has been circulated today and the same is taken on record.

Sachin-petitioner is seeking regular bail in the case bearing FIR No.392 dated 09.05.2022, under Sections 323/376(2)(n)/452/506 IPC, 1860, registered at Police Station Chandni Bagh Panipat.

Briefly, the allegation against the petitioner are to the effect that the prosecutrix is aged about 28 years and had secured Panchayati divorce. The petitioner had developed physical relations with her on the false pretext of marriage. Subsequently, the petitioner refused to solemnize marriage with the prosecutrix.

Learned counsel for the petitioner contends that the prosecutrix was having subsisting marriage and the same has not been dissolved by a decree of divorce. The statement of the prosecutrix during the course of trial has also been recorded. The petitioner is in custody for a period of 5 months and 01 day and is not involved in any other case.

Learned State counsel has opposed the bail application on the score that the prosecutrix has supported the prosecution version during the course of trial and out of 11, 05 witnesses have been examined.

It is significant to note that the allegations of the prosecutrix who is aged about 28 years are to the effect that the petitioner had developed physical

relations on the false pretext of marriage. It has not been disputed that the prosecutrix was having subsisting marriage and the same has not been dissolved by a decree of divorce by the Competent Court of Law. The petitioner is in custody for a period of about 05 months and is not involved in any other case. The prosecutrix has been examined and as such, it cannot be said that the petitioner can in any manner win over or influence the witnesses. The conclusion of trial is likely to take sometime. No fruitful purpose will be served by detaining the petitioner in further custody. As such, sufficient mitigating circumstances are made out to extend the concession of bail to the petitioner.

Without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on bail on his furnishing requisite bail bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

The petition is allowed accordingly.

17.10.2022
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(VIVEK PURI)
JUDGE

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