

SONU

... PETITIONER

V/S

STATE OF HARYANA AND ANOTHER

... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Vinay Puri, Advocate for the petitioner.
Mr. Karan Garg, AAG Haryana.
Mr. Bikram Tikka, Advocate for respondent No.2.

* * *

VIVEK PURI, J. (ORAL)

The petitioner is seeking regular bail in case bearing FIR No. 99 dated 22.05.2022 under Sections 323, 498-A, 506, 376(2)(n) IPC, registered at Police Station Women, Karnal.

Custody certificate has been placed on record.

Briefly, the FIR has been registered on the allegations that the marriage of the petitioner was solemnized with the complainant about 9 years prior to the occurrence. The petitioner had been consuming intoxicants and giving beatings to the complainant. The petitioner had turned out the complainant from the house and the co-accused namely Sandeep took her along with him. It was assured by Sandeep, co-accused that he will keep/maintain her as his wife and had forcibly developed sexual relations with her.

Learned counsel for the petitioner contends that the allegations with regard to commission of forcible sexual intercourse have been attributed against the co-accused and the petitioner is not in any manner party to the said act committed by the co-accused. The petitioner is in custody for a period of 4 months and 21 days and is not involved in any other case. The investigation of

the case is complete, the challan has been presented in the Court.

Learned State counsel has opposed the bail application on the score that the implicity of the petitioner cannot be ruled out as Sandeep, co-accused is his near relative.

Be that as it may, the allegations against the petitioner are only with regard to commission of offence under Sections 498-A, 323 and 506 IPC. The bail application has been dismissed by the learned Court below on the score that the connivance of the petitioner with the co-accused with regard to physical abuse of the complainant cannot be ruled out. It will be too early to conclude that the petitioner was, in any manner, party to or connived in any maner with the co-accused to physically abuse the complainant. The petitioner is in custody for a period of 4 months and 21 days and not involved in any other case. The investigation of the case is complete and challan has been presented in the Court. The conclusion of trial is likely to take some more time and no fruitful purpose would 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. 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.

(VIVEK PURI)
JUDGE

31.10.2022

Janki

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