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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-22935-2023 (O&M)
Date of decision : 17.11.2023

Harjinder Pal ... Petitioner(s)

Versus

State of Haryana ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. G.S. Sandhu, Advocate for the petitioner.

Ms. Mayuri Lakhanpal Kalia, DAG Haryana.

ALKA SARIN, J. (ORAL)

1. This is a petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.351 dated 27.08.2022 under Sections 328, 34, 376(2)(n), 420, 452, 506 of the Indian Penal Code, 1860 registered at Police Station Ram Nagar, Karnal, District Karnal (Section 452, 34 IPC were omitted during investigation).
2. Learned counsel for the petitioner would contend that the petitioner has been implicated in a totally false case and that the petitioner and the complainant were both married with children and were in a consensual relationship since 2015. Even as per the allegations in the FIR, they lived together as husband and wife from March 2021 to April 2021. Learned counsel would further contend that the petitioner is a married man

as is also apparent from a perusal of the FIR. Learned counsel would further contend that except for the FIR, there is no incriminating evidence against the petitioner. It is further the contention of learned counsel that the petitioner has been in custody for a period of 01 year 01 month and 26 days and that he has absolutely clean antecedents.

3. Learned counsel for the State has filed the custody certificate and as per the custody certificate the petitioner has been in custody for a period of 01 year 01 month and 26 days and there is no other case pending against him. In the reply by way of affidavit of Veer Singh, HPS, Deputy Superintendent of Police, Karnal it has been stated that out of 16 accused named in the FIR, 15 were found innocent and the challan was only presented against the petitioner. Learned State counsel has also pointed out that the complainant has been summoned on three different occasions, however, she is repeatedly filing exemption applications.

4. Heard.

5. In the present case the allegations in the FIR pertained to the year 2015 to 2021. *Prima facie* it seems to be a case of consensual relationship gone sour. The petitioner and the complainant both were married with children and this fact was also in the knowledge of the complainant as is evident from the FIR itself. The allegations of beating and of forcible abortion were not made out and hence the challan was not filed under the relevant sections. As per the custody certificate, the petitioner has been in custody for a period of 01 year 01 month and 26 days and there is no

other case pending against him. The trial is likely to take some time to conclude and no useful purpose would be served by keeping the petitioner behind the bars any further.

6. In view of the above and without commenting upon the merits of the case, this Court deems it to be a fit case to grant the concession of regular bail to the petitioner. The petitioner is directed to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Additional Sessions Judge (Duty) concerned.

7. However, the Prosecution will always be at liberty to apply for cancellation of bail in case the petitioner is found to be misusing the concession of bail in any manner.

8. It is also made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

9. Disposed off. Pending applications, if any, also stand disposed off.

17.11.2023

Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO