

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

206

CRM-M-27343-2023

Date of Decision: 02.06.2023

Surender

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Present: Mr. Anshumaan Dalal, Advocate
for the petitioner.

Mr. Vipul Sherwal, AAG, Haryana.

SANJEEV PRAKASH SHARMA, J (ORAL)

Prayer in the present petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in FIR No.368 dated 09.07.2021 under Sections 354-A and 506 IPC (Sections 376(2)(n), 354-B and 354-D added later on), registered at Police Station Sampla, District Rohtak.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case.

Learned counsel for the petitioner has taken this Court to the statement of the prosecutrix recorded in the Court which reflects that the concerned prosecutrix after having solemnized third marriage with one Sandeep, had relations with the petitioner, who as per her statement, was instrumental in getting the divorce from Sandeep. She also states that Surender was having relations with her whereafter she got marriage to one another Manjeet and the petitioner was also tried to stop Manjeet and his family and provoke them to leave her. She is now residing with her parents

at Kali Dass Dham.

Learned State counsel, on the other hand, has opposed the present petition for grant of regular bail. However, he does not dispute the above said facts.

This Court has heard learned counsel for the parties and has perused the paper book.

Taking into consideration the aforesaid statement of the prosecutrix, I find that no prima facie case under Section 376 and 354 IPC is made out against the petitioner.

Without commenting on the merits of the case and keeping in view the aforesaid statement of the prosecutrix, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds of Rs.20,000/- to the satisfaction of the concerned trial Court/ Duty Magistrate.

Nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

02.06.2023

D.Bansal

(SANJEEV PRAKASH SHARMA)
JUDGE

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