

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

**CRM-M-31826-2023 (O&M)
Date of Decision: 22.09.2023**

UDAY SINGH**... PETITIONER****V/S****STATE OF HARYANA****... RESPONDENT****CORAM: HON'BLE MR. JUSTICE VIVEK PURI**

Present: Mr. Deepanshu Matya, Advocate for the petitioner.

Mr. Surinder Kumar Dagar, DAG Haryana.

Mr. M.D.Khan, Advocate for the complainant.

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VIVEK PURI, J. (ORAL)

1. The petitioner is seeking regular bail in case bearing FIR No. 08 dated 01.02.2023 under Sections 323, 376(2)(f), 406, 498A and 34 IPC, registered at Police Station Women Jind, District Jind.

2. Custody certificate and status report by way of affidavit of Ravi Khundia, Deputy Superintendent of Police, Jind-Detective, District Jind, on behalf of the State have been taken on record.

3. Learned counsel for the petitioner contends that the allegations against the petitioner are to the effect that he is the brother-in-law of the complainant and had made forcible physical relations with her. In fact, such an allegation has been levelled on account of matrimonial dispute of the complainant with her husband. Even, as per the allegations in the FIR, the complainant along with her husband had been residing separate from the petitioner and other family members in a rented accommodation. Moreover, the matrimonial dispute has been amicably settled between the parties. The

husband of the complainant who is co-accused is on bail. The petitioner is

in custody for a period of 4 months and 13 days.

4. Learned State counsel has opposed the bail application on the score that there are specific allegations of commission of rape attributed against the petitioner.

5. Learned counsel for the complainant has admitted the fact of amicable settlement of the matrimonial dispute.

6. The petitioner is in custody for a period of 4 months and 13 days. The dispute has arisen on account of matrimonial dispute of the complainant with her husband. The petitioner is the brother-in-law of the complainant. The dispute is stated to have been amicably settled. The conclusion of trial is likely to take some time and no fruitful purpose would be served by detaining the petitioner in further custody.

7. 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.

8. The petition is allowed.

22.09.2023

Janki

(VIVEK PURI)
JUDGE

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