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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-46751-2023 (O&M)
Date of decision : 02.11.2023

Sachin ... Petitioner(s)

Versus

State of Haryana and another ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. K.S. Sodhi, Advocate for the petitioner.

Ms. Mayuri Lakhanpal Kalia, DAG Haryana
for respondent No.1.

Mr. Sanjeev Kumar, Advocate for
Mr. Vaneet Kumar Sharma, Advocate for respondent No.2.

ALKA SARIN, J. (ORAL)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.69 dated 12.08.2023 under Sections 376(2)(n) of the Indian Penal Code, 1860 registered at Police Station Women Cell, Panchkula, District Panchkula (Annexure P-1).
2. Learned counsel for the petitioner would contend that the FIR was lodged on the ground that the petitioner had developed physical relations with the complainant on the pretext of marriage. The FIR was lodged on 12.08.2023 and on 22.08.2023 the complainant and the petitioner

had solemnized their marriage. Learned counsel for the petitioner would further contend that the complainant and the petitioner were cohabiting as husband and wife and the petitioner was arrested on 04.09.2023. Learned counsel for the petitioner has further pointed out that the complainant has got her statement recorded before the Judicial Magistrate 1st Class, Panchkula on 18.10.2023 stating therein that she had approached the Investigating Officer for getting her statement recorded that she does not want to pursue the present complaint, however, the Investigating Officer refused to record her statement. It was further stated that a quashing petition has also been filed in this Court being CRM-M-46751-2023 which is pending for 07.11.2023. It is further the contention that the petitioner has been in custody for a period of 01 month and 28 days.

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 month and 28 days. Learned State counsel on instructions from ASI Meenakshi states that intimation has been received by the Investigating Officer regarding the statement of the complainant recorded before the Judicial Magistrate 1st Class, Panchkula.

4. Learned counsel for the complainant-respondent No.2 states that the complainant would have no objection if the bail is granted in view of the fact that she and the petitioner had already solemnized their marriage and she does not want to pursue the present complaint as stated in her statement.

5. Heard.

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6. In the present case the complainant had appeared before the Judicial Magistrate 1st Class, Panchkula and got her statement recorded that she does not want to pursue the present complaint and that she had already got married to the petitioner on 22.08.2023. When the petitioner was arrested, she and the petitioner were cohabiting as husband and wife. As per the custody certificate the petitioner has been in custody for a period of 01 month and 28 days. 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.

7. 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.

8. 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.

9. 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.

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

02.11.2023

Yogesh Sharma

(ALKA SARIN)
JUDGE

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