



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-39079-2024 (O&M)
Date of Decision : 26.09.2024

Mohit

....Petitioner

VERSUS

State of Haryana

....Respondents

CORAM : HON’BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Sandeep Kumar, Advocate for the petitioner.

Mr. Aman Bahri, Addl. AG Haryana.

ALKA SARIN, J. (Oral)

1. The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to the petitioner in FIR No.31 dated 07.02.2023 under Sections 323, 342, 346, 376, 506 and 34 of the Indian Penal Code, 1860 registered at Police Station Civil Lines Sonipat District Sonipat. Earlier a petition being CRM-M-24918 of 2023 filed by the petitioner for grant of anticipatory bail was dismissed as having been rendered infructuous vide order dated 04.07.2023.
2. Learned counsel for the petitioner would contend that the petitioner and the prosecutrix were in consensual relationship and infact they had solemnized their marriage on 01.03.2023. A certificate of registration of marriage has been appended with the petition as Annexure P-4. It is further the contention that both the prosecutrix and her mother have since been examined and they have not supported the version of the prosecution.

3. Learned State counsel has filed the custody certificate, which is taken on record. Learned State counsel is not in a position to deny the fact that the prosecutrix and her mother have been examined and that they have not supported the case of the prosecution.

4. Heard.

5. In the present case the petitioner has been in custody for a period of 01 year 03 months and 09 days. As per the custody certificate, there is no other case pending against the petitioner. Both the prosecutrix and her mother have not supported the prosecution version.

6 In view of the above and without commenting upon the merits of the case, I deem 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 and 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.

26.09.2024
jk

(ALKA SARIN)
JUDGE

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