

CRM-M-43593-2024 (O&M)

226 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

2024.PHHC.119676



CRM-M-43593-2024 (O&M)
DATE OF DECISION : 11.09.2024

DHARMENDER ... PETITIONER

V/S

STATE OF HARYANA ... RESPONDENT

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Ajay Arora Bharti, Advocate for
Ms. Divya Narula, Advocate for the petitioner.

Mr. Kirpal Singh Thakur, AAG, Haryana.

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HARPREET KAUR JEEWAN, J. (ORAL)

1. The instant petition has been filed by the petitioner under Section 439 of the Code of Criminal Procedure seeking regular bail in case FIR No. 770 dated 20.12.2023 under Sections 323, 376(2)(n), 451 & 506 IPC registered at Police Station Rania, District Sirsa.
2. Custody certificate dated 11.09.2024 has been filed by the State reflecting the custody of the petitioner as 08 months and 15 days.
3. The petitioner is facing allegations that he has made physical relationship with the prosecutrix several times. The prosecutrix has alleged in the FIR that a Panchayati divorce took place between her and her husband due to the said reasons, thereafter, when the prosecutrix started living separately along with her son, aged about 13 years, the petitioner is still

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harassing her and making physical relationship with her.

4. I have heard the counsel for the parties.

5. The investigation of the case is complete and final report under Section 173 Cr.P.C. has already been presented in the Court. The petitioner is in custody for a period of 8 months and 15 days. The prosecutrix is major, aged about 36 years. Initially, she has refused for her medical examination, as per the report (Annexure P-2). The first alleged occurrence is dated 20.10.2021, whereas the present FIR has been lodged with a long delay on 20.12.2023.

6. In view of the aforesaid facts and circumstances and in view of the fact that conclusion of trial is going to take time, therefore, without expressing any opinion on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing adequate bail bonds and surety bonds to the satisfaction of the trial Court concerned.

7. Pending miscellaneous application(s), if any, shall stand disposed of.

11.09.2024

Janki

**(HARPREET KAUR JEEWAN)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No