

(2012) 10 P&H CK 0145

High Court Of Punjab And Haryana At Chandigarh

Case No: CRM M-35698 of 2011 (O and M)

Nagar

APPELLANT

Vs

State of Haryana and Another

RESPONDENT

Date of Decision: Oct. 12, 2012

Acts Referred:

- Penal Code, 1860 (IPC) - Section 294, 323, 341, 376, 420

Hon'ble Judges: Nawab Singh, J

Bench: Single Bench

Advocate: Jai Vir Yadav, for the Appellant; Preeti Chaudhary, AAG, Haryana and Mr. J.P. Sharma, Advocate, for the complainant, for the Respondent

Final Decision: Allowed

Judgement

Nawab Singh, J.

Nagar-petitioner is facing trial in case bearing FIR No. 250 dated June 27th, 2011 u/s 323, 376, 452 and 511 IPC Police Station Mahendergarh in the Court of Additional Sessions Judge, Narnaul. Sessions Judge, Narnaul by order dated August 25th, 2011 allowed regular bail to the petitioner. Additional Sessions Judge by order dated November 11th, 2011 cancelled the bail granted to the petitioner. The petitioner has challenged the said order before this Court.

2. For facilitation, the extract of paragraph No. 4 of the order dated August 25th, 2011 whereby petitioner was allowed bail by the Sessions Judge, is reproduced as under:-

Numerous documents have been placed on record to show that prosecutrix and accused were not strangers to each other. Both of them are teachers. Accused used to come to the house of the prosecutrix to teach her children. There was some misunderstanding between the prosecutrix and her husband and ultimately, she secured divorce from her husband in exparte proceedings. Similarly, applicant-accused also secured divorce from his wife in exparte proceedings.

Thereafter, both the prosecutrix and the accused started residing in a house at Adarsh Nagar, Mohindergarh together. The case of the prosecutrix, as stands made out from different documents placed on record, is that the accused procured her signatures on some documents and converted those documents into an agreement of sale of the house owned by her. This resulted into strained relations between both of them. Thereafter, they started filing criminal complaints/cases against each other. Copy of a complaint dated 8.11.2010 has been placed on record showing that the prosecutrix has filed a criminal complaint against the accused under sections 323, 376, 420, 467, 468, 471, 341, 294, 506 IPC in the Court of SDJM, Mohindergarh. The prosecutrix has admitted in the complaint that the accused used to have sexual intercourse with her repeatedly.

3. At the outset, learned State counsel has stated that the matter was investigated by the DSP, Mahendergarh and State has already filed report for cancellation of the case before the trial Court which is fixed for November 3rd, 2012.

4. Learned counsel for the complainant has referred to an interim order dated May 21st, 2012 passed by this Court whereby inquiry conducted by the DSP, Rewari was stayed in petition filed by the prosecutrix. Aforesaid facts do not make out case for cancellation of the bail granted to the petitioner by the Additional Sessions Judge. The staying of the inquiry being conducted by the DSP by aforesaid order of this Court is not the point at issue in this petition. Hence, the petition is accepted and order dated November 11th, 2011 is set-aside.