
(2011) 02 P&H CK 0291

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous No. M-298 of 2011

Sukhpali and Another

APPELLANT

Vs

State of Haryana

RESPONDENT

Date of Decision : 10-02-2011

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 439
Penal Code, 1860 (IPC) — Section 363, 366A, 368, 376, 506

Citation : (2011) 02 P&H CK 0291

Hon'ble Judges : Kanwaljit Singh Ahluwalia, J

Bench : Single Bench

Judgement

Kanwaljit Singh Ahluwalia, J.—Present petition has been filed u/s 439 Code of Criminal Procedure seeking regular bail to the Petitioners in case FIR No. 279 dated 28.05.2010 registered at Police Station City Ballabgarh, District Faridabad under Sections 363, 366A, 368, 376 and 506 IPC.

2. Counsel for the Petitioners has contended that the prosecutrix had eloped with Rahul son of Petitioner No. 1 and brother of Petitioner No. 2. Learned Counsel has relied upon photographs (Annexures P4 to P9), which show that marriage was performed between Rahul and the prosecutrix. Counsel has further stated that after the elopement, Rahul and the prosecutrix had gone to Bihar, where they resided as husband and wife. It is further submitted that the main accused Rahul is in custody and co-accused Sunder and Ramesh were released on bail by this Court vide an order dated 7th February, 2011 passed in Criminal Misc. No. M-149 of 2011 titled as "Sunder and Anr. v. State of Haryana Criminal Misc. No. M-149 of 2011".

3. Taking into consideration the fact that Petitioner No. 1 is mother and Petitioner No. 2 is brother of the accused Rahul, who had allegedly raped the prosecutrix, this Court is of the view that further detention of the Petitioners in this case is not warranted. Accordingly, they are ordered to be released on bail, to the satisfaction of Chief Judicial Magistrate, Faridabad.

4. The present petition stands disposed of accordingly.