

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

207

**CRM-M-20066 of 2015 (O&M)
Date of Decision:28.07.2015**

Jaswant Singh @ Jasmat

... Petitioner

Versus

State of Haryana

... Respondent

CORAM:-HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Sanjiv Sheoran , Advocate
for the petitioner.

Mr. Yashwinder Singh, DAG, Haryana.

RAJ MOHAN SINGH, J. (Oral)

Petitioner seeks regular bail in case FIR No.1013 dated 19.12.2013 under Sections 498-A, 406, 506, 376-D, 377, 323, 342, 120-B IPC, Police Station City Jind.

Learned counsel for the petitioner by relying upon statement of prosecutrix PW-1 states that she could not adjust with her husband due to temperamental differences and she filed a petition under Section 13-B of Hindu Marriage Act at Panipat on 16.08.2013, which was later on withdrawn on 17.07.2014. She also admitted that FIR was canceled on 31.12.2013 after investigation. She has further admitted that she has not been harassed by anyone on account of demand of dowry and no wrong act was done to her by petitioner at any point of time.

Similarly, Raj Kali mother of complainant while appearing as PW-4 and maternal aunt Murti Devi while appearing as PW-5 did not support the prosecution case. It has also been argued that prosecutrix was earlier married to one Shiv Kumar

and has a son from that wedlock. She lodged FIR No.647 dated 20.10.2012 under Sections 498-A, 148, 149, 323 and 506 IPC, Police Station City Jind against ex-husband and ultimately compromised the same. Co-accused Pooja was declared juvenile and she has been acquitted by Juvenile Justice Board, Jind on 21.05.2015. Co-accused Azado is also on bail. Learned counsel further states that earlier prayer for grant of regular bail was withdrawn on 12.08.2014 and 12.12.2014 and thereafter, prosecutrix was cross-examined on 26.05.2015 along with other prosecution witnesses.

Learned State counsel on instructions from ASI Dilbag Singh states that entire statement of prosecutrix has to be read in the context of appreciating incriminating material against the petitioner. Learned State counsel further submits that now 17.08.2015 is the date fixed for remaining prosecution witnesses. Petitioner is in custody w.e.f 15.07.2014.

Taking into consideration the aforesaid facts and without embarking upon anything on merits of the case, at this stage, petitioner is ordered to be released on bail subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of trial Court/CJM, Jind.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

July 28, 2015
prince

(RAJ MOHAN SINGH)
JUDGE