

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

Crl. Misc. No. M-13819-2017

Date of Decision : August 08, 2017

Kavita and another Petitioners

Verus

State of Haryana and another Respondents

Crl. Misc. No. M-10394-2017

Keshav Verma Petitioners

Versus

State of Haryana and another Respondents

Crl. Misc. No. M-13996-2017

Deepak Petitioner

Versus

State of Haryana and another Respondents

CORAM : HON'BLE MRS. JUSTICE LISA GILL

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

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Present: Mr. Navjot Singh, Advocate
for the petitioners.

Mr. Sanjay K. Saini, Addl. A.G. Haryana.

Mr. N.S.Shekhawat, Advocate
for respondent No.2.

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LISA GILL, J. (Oral)

This order shall dispose of CRM-M-13819-2017, CRM-10394-2017 as well as CRM-M-13996-2017. For the sake of convenience, facts have been taken from CRM-M-13819-2017.

Petitioners-Kavita and Jagdish (parents-in-law of the complainant) in CRM-M-13819-2017 seek the concession of anticipatory bail in FIR No. 64 dated 02.02.2017 under Sections 498-A, 406, 506, 120B, 323, 376 and 34 IPC registered at Police Station Mehram, District Rohtak.

Petitioner-Keshav Verma (husband of the complainant) in CRM-M-10394-2017 seeks the concession of bail pending trial in the above said FIR.

Petitioner-Deepak (brother-in-law of the complainant) in CRM-M-13996-2017 seeks the concession of anticipatory bail in the above said FIR.

Learned counsel for the petitioners submits that vague and general allegations have been levelled against all the petitioners. All the family members including the married sister-in-law have been implicated in this case. Married sister-in-law has been granted the concession of bail by the learned trial Court.

Marriage between the complainant and petitioner-Keshav was solemnized on 13.12.2015. A son was born out of this wedlock on 13.08.2016. It is submitted that the complainant allegedly left the matrimonial home on 03.12.2016 as per the averments in the FIR whereas in her statement under Section 164 Cr.P.C. she stated that she left the matrimonial home on 04.12.2016. Reference is made to certain conversations between the complainant and her family members including

her mother. It is submitted that a perusal of the transcript of these conversations reveals that she was treated in a proper and affectionate manner in her matrimonial home. It is urged that no specific allegation has been levelled against the parents-in-law of the complainant. The minor child of the complainant and her husband (petitioner's son) is being looked after by the parents-in-law of the complainant.

In respect to the petitioner-Deepak in CRM-M-13996-2017 it is submitted that allegations attracting the offence under Section 376 IPC are not made out in any manner. There is no evidence medical or otherwise to substantiate the allegations against him. Mere bald statement of the complainant in this respect should not be relied upon in the facts and circumstances of the case.

The petitioner-Keshav Verma in CRM-M-10394-2017 it is submitted has been incarcerated for approximately 04 (four) months in this case. No recovery has to be effected from him. It is, thus, prayed that these petitions be allowed.

Learned counsel for the State and the complainant have opposed these petitions while submitting that specific allegations have been levelled against all the petitioners.

Heard learned counsel for the parties.

It is to be noted that efforts were made for an amicable resolution of the entire dispute between the parties during the pendency of these petitions. Interim bail was afforded to the petitioner-Keshav Verma by this Court vide order dated 23.05.2017 in CRM-M-10394-2017 to explore the possibility of an amicable solution. Interim relief was also granted to the petitioner-Deepak (brother-in-law) on 23.05.2017 in CRM-M-13996-2017.

It was clarified that interim relief has been granted primarily to facilitate mediation between the parties. However, mediation between the parties before the Mediation & Conciliation Centre of this Court was not successful. Effort was made to settle the dispute before this Court as well. However, there were allegations and counter-allegations from each side thus preventing any viable solution to the dispute. The petitioner-Keshav Verma was directed to surrender at District Jail Rohtak vide order dated 28.7.2017 on 29.07.2017 at 02:00 P.M. and the matter was fixed for arguments. It is informed that Keshav Verma has since surrendered in compliance with order dated 28.07.2017 and is in custody.

Learned counsel for the State, on instructions from SI Ramesh Kumar, verifies that the final report under Section 173 Cr.P.C. has been presented against the petitioner-Keshav Verma along with co-accused Chanda and Jai Kishan (non-applicants). No recovery is to be effected from Keshav Verma who has admittedly suffered incarceration for about four months. It is verified that he is not involved in any other criminal case.

In respect to the petitioners-Kavita and Jagdish in CRM-M-13819-2017, the parents-in-law of the complainant, learned counsel for the State, on instructions from SI Ramesh Kumar, submits that the said petitioners joined investigation when the matter was pending before the learned Additional Sessions Judge, Rohtak. Certain recoveries are yet to be effected from the said parents-in-law of the complainant. Learned counsel for the petitioner while denying that any recovery is to be effected from the parents-in-law submits that the concession of bail cannot be denied merely on the assertion that 'certain recoveries' are to be effected. He relies on the judgment of this Court in ***Prit Pal Singh V. State of Punjab and another***

2014 (5) RCR (Criminal) 771 to say that non recovery of certain articles cannot be a ground for not affording the concession of anticipatory bail to the petitioner. Moreover it is submitted that the said petitioners undertake to join investigation as and when required.

There is no allegation that the petitioners are likely to abscond or that they are likely to dissuade the witnesses from deposing true facts before the learned trial Court, if released on bail.

In the facts and circumstances of the case, but without expressing any opinion on the merits of the case CRM-M-13819-2017 is allowed. The petitioners Kavita and Jagdish shall join investigation as and when required. In the event of their arrest, petitioners shall be released on bail to the satisfaction of Investigating Officer. Petitioners shall comply with the conditions stipulated in Section 438(2) Cr.P.C.

CRM-M-10394-2017 is also allowed. The petitioner-Keshav Verma be released on bail pending trial subject to his furnishing requisite bail bonds and surety to the satisfaction of the learned trial Court.

In respect to the petitioner-Deepak, brother-in-law of the complainant, I find that there are specific allegations attracting the rigours of Section 376 IPC against him. Furthermore, learned counsel for the State informs that the petitioner has not joined investigation at any stage. It is reiterated that interim relief was granted primarily to facilitate mediation between the parties which was not effected. I do not find any ground to afford the concession of anticipatory bail to the petitioner-Deepak in the facts and circumstances of the case. .

Accordingly, CRM-M-13996-2017 is dismissed.

It is reiterated that none of the observations made here-in-above

shall be construed to be a reflection on merits of the case and shall have no bearing on trial.

08.08.2017
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(LISA GILL)
JUDGE

Note: Whether speaking/reasoned
Whether Reportable:

Yes / No
Yes / No