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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **BAIL APPLN. 1472/2017**

HARPAL SINGH

..... Petitioner

Through: Mr.Vishnu Sharma, Ms.Sonika Tyagi,
Mr.Sajid Malik & Mr.Amarjeet
Singh, Advocates

versus

STATE OF NCT OF DELHI

..... Respondent

Through: Mr.Kewal Singh Ahuja, APP for the
State with SI Karamveer Singh
AHTU/Crime Branch

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

% **31.07.2017**

CRL.M.A.12236/2017

Exemption allowed, subject to all just exceptions.

Application stands disposed of.

BAIL APPLN. 1472/2017

1. By way of this application filed under Section 439 Cr.P.C., the petitioner is seeking bail in case FIR No. 940/2004, under Sections 366/370/376/34 IPC, registered at PS Nangloi, Delhi.

2. The petitioner herein is brother of Pawan Kumar with whom the complainant 'S' (named withheld to conceal the identity) was allegedly got

married on 4th December, 2004. It is contended on behalf of the petitioner, Harpal Singh that the complainant 'S', who claimed herself to be a widow, after marrying his brother, Pawan Kumar had lived with him as his wife for about 12-13 years and had been freely moving out in connection with day to day activities and was attending various functions. It is further submitted on behalf of the petitioner that the complainant was not confined during all these years. Even in the ration card she is mentioned as wife of Pawan Kumar and her Aadhaar card also shows her to be wife of Pawan Kumar.

3. As per prosecution case, the complainant got missing on 10/11th October, 2004 and missing report was lodged by her husband, Manoj Kumar and case FIR No.940/2004 was registered at PS Nangloi on 14th October, 2004 in respect of her missing.

4. The statement of the complainant under Section 164 Cr.P.C. is also to the effect that in the year 1997 she got married and at that time her age was 21 years. Her husband is employed with Delhi Police and they have three children. After about 1 ¼ years her brother-in-law(Devar) Maaman came to Delhi who used to praise her for her beauty. He even started associating her name with the landlord. Her *devar* used to harass her as well her mother-in-law though appreciated her beauty. While she was living with her husband, he levelled allegations she being in relationship with the landlord on which they (complainant and her *Devar*) had a fight which was seen by her daughter. Thereafter, her *devar* Maaman informed her that something has happened to her brother and whether she was having some money to which she answered that she was having money. At his behest she left home along with the money. They boarded a bus but on the way he made her get down

somewhere and he disappeared. One Muslim person met her and took her to his house where she lived for two months and treated that Muslim as her brother. That Muslim person sold her to a Saini family. The two Saini brothers left her to their third brother, Pawan Kumar with whom she got married in Court. She continuously insisted to be sent back to her home but she was not sent. One day she went to the police station and informed that she was being kept by Pawan forcibly. She did not remember as to for how many years she was living with Pawan or when she left her matrimonial home along with her *Devar* for going to her parents' house.

5. Perusal of the record reveals that the missing report was lodged by the husband of the complainant in October, 2004. At the time of leaving the house with money in company of her *Devar*, the complainant was a mature lady having three children. As per her own version under Section 164 Cr.P.C. she left her matrimonial home with money along with her *Devar* Maaman, he left her on the way. Thereafter she was staying with a Muslim person for two months. She started living with Pawan after Court-marriage. The petitioner, Harpal Singh is brother of Pawan. The complainant resided with Pawan as his wife for more than 12 years and she has nowhere stated that she was kept in confinement and from 11.10.2004 to 23.01.2017 she had no access to the outside world. Rather as per her statement under Section 164 Cr.P.C. she was freely talking to her friends about her children. Her grievance was against her *Devar* Mamman with whom she left home for going to her parents house but he left her midway.

6. Looking into the nature of allegations against the petitioner, Harpal, I find it to be a fit case to enlarge the Petitioner on bail. It is directed that the

Petitioner be released on bail on his furnishing personal bond in the sum of ₹25,000/- with one surety in the like amount to the satisfaction of the concerned trial Court.

7. Application is allowed.

8. Any observation made hereinabove for the purpose of dealing with the contentions of the parties is only for the purpose of disposal of this bail application.

9. A copy of this order be sent to the concerned Jail Superintendent for information.

10. As prayed, copy of the order be also given dasti to learned counsel for the parties.

PRATIBHA RANI, J.

JULY 31, 2017

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