

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M No. 32829 of 2018 (O&M)

Date of decision : 18.9.2018

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Rohit

.....Petitioner

vs.

State of Haryana

.....Respondent

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. S.S. Tomar, Advocate
for the petitioner.

Mr. Gaurav Bansal, Assistant Advocate General,
Haryana.

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H. S. Madaan, J.

This petition for regular bail has been filed by petitioner Rohit, an accused in FIR No. 60, dated 15.11.2017, for offences under Sections 498-A, 406, 376, 511, 323, 34 IPC , registered at Police Station Women Cell, Sonapat.

Briefly stated, facts of the case, as per the prosecution story are that two real sisters, namely Rekha and Rakhi were married with two real brothers, i.e. Rekha with Sunny and Rakhi with Sandeep @ Gaurav. Family of both girls had spent considerable amount on giving dowry. However, both the sisters were harassed and maltreated by their in-laws family in connection with demand of more dowry. They used to be given beatings even. On 2.3.2017, the

prosecutrix Rekha was alone in her home, Rohit – petitioner came there and tried to make physical relations with her and when he failed, he blamed the prosecutrix instead. Both the sisters were turned out of the matrimonial home. Their parents convened Panchayat for resolution of the dispute but their in-laws remained adamant and insulted members of Panchayat instead. The matter was reported to Women Police Station, where the matter was compromised between the parties on 10.4.2017, where accused assured to take both the sisters to their matrimonial home from there parental home, where they had been residing after being thrown out of the matrimonial home. However accused did not come to pick up the two sisters.

Formal FIR was recorded on the basis of written complaint submitted by prosecutrix Rekha and her sister Rakhi. The accused was arrested in this case on 9.2.2018 and he is in custody since then. He had moved an application for regular bail to the Court of Sessions, which was assigned to the Court of Additional Sessions Judge, Sonapat, who vide order dated 16.7.2018, dismissed the same. As such, the petitioner has knocked at the door of this Court, craving for being released on regular bail, which request is being opposed by the State counsel.

I have heard, learned counsel for the petitioner, learned State counsel, besides going through the record.

Counsel for the petitioner has sated that basically it is a matrimonial dispute between the spouses and petitioner has been wrongly roped in, being younger brother of husband of complainant Rekha. Petitioner is aged about 20 years and a student and could not

be expected to indulge in any such objectionable act. The petitioner has been roped in wrongly and as such he be granted regular bail. Whereas this request is being opposed vehemently by the State counsel submitted that petitioner has committed heinous crime, as such he does not deserve the concession of bail and the petition be dismissed.

After hearing the rival contentions, I find that the accused is in custody w.e.f. 2.2.2018. Though trial against him is going on, but its conclusion is likely to take some time. His guilt shall be established during the trial. Keeping in view the young age of the petitioner and the fact that he is not shown to have any past criminal record, I find that he deserves to be granted concession of bail.

Therefore, the petition is accepted and the petitioner is ordered to be released on bail subject to furnishing of personal bonds and surety bonds to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Sonapat. The Chief Judicial Magistrate, Sonapat, may impose any term and condition found proper and suitable to ensure that the petitioner does not abscond. It is also made clear that in case the petitioner is found indulging in any criminal act after being granted bail vide this order, the order shall be liable to be withdrawn.

18.9.2018
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(H.S. Madaan)
Judge

Whether speaking / reasoned Yes / No

Whether reportable Yes / No