

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M No. 34103 of 2018 (O&M)
Date of decision : 17.9.2018

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Nathiram

.....Petitioner

vs.

State of Haryana and another

.....Respondents

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

Present: Mr. F.S. Virk, Advocate
for the petitioner.

Mr. Gaurav Bansal, Assistant Advocate General,
Haryana.

Mr. Gurminder Singh, Advocate for the complainant.

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H. S. Madaan, J.

This application for regular bail has been filed by petitioner Nathiram (father-in-law of the complainant), an accused in FIR No. 169, dated 20.3.2018, for offences under Sections 323, 34, 354, 376, 377, 354-B, 498-A, 506, 511 IPC, registered at Police Station Samalkha, Panipat.

Briefly stated, facts of the case, as per the prosecution story are that complainant Soni was married with Ravi on

14.02.2013, whereas her elder sister was married with elder brother of Ravi namely, Pankaj, on that very day. After the marriage, Nathiram , father-in-law of the complainant-Soni started teasing her and wanted to have physical relations with her. Soni resisted that attempt, as such Nathiram, started giving beatings to her and caused her injuries. After 2-3 days, while the complainant was alone in the house, Nathiram molested her. The complainant informed her husband Ravi but to no effect rather he slapped the complainant and went out of the house, returning at night, when he did un-natural sex with her. The complainant became ill. One day Nathiram caught hold of the complainant from her wrist. The complainant informed her parents who took her to their house. Subsequently, the matter was compromised. The complainant returned to the matrimonial home. But after some time, the old story was repeated. In addition to that demands for more dowry were made. The complainant returned to her parental house and informed her mother and brothers. After 2-3 months, she returned to the matrimonial home under the compromise but after a week again old story was repeated. Ultimately, the matter was reported to the Police.

Formal FIR in the matter was recorded. The accused was arrested in this case on 7.7.2018. He is behind the bars since then. He had moved an application before the SDJM, Samalkha, for grant of bail, which was dismissed vide order dated 11.7.2018.

Aggrieved by that order, the petitioner has approached this Court, in the process by passing the Court of Sessions, which is inappropriate and uncalled for. Therefore, the petition for regular bail

filed in this Court is disposed of relegating the petitioner to the remedy of approaching the Court of Sessions first.

17.9.2018
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(H.S. Madaan)
Judge

Whether speaking / reasoned

Yes / No

Whether reportable

Yes / No