In the High Court of Punjab and Haryana at Chandigarh

Crl. Misc. No. M-7019 of 2018
Date of Decision: 27.2.2018

Deepak Dahiya .....Petitioner

Versus

State of Haryana .....Respondent

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. N.S.Shekhawat, Advocate
for the petitioner.

Ms. Mahima Yashpal, AAG, Haryana
assisted by ASI Ranbir.

Mr. Bhupinder Ghangas, Advocate
for the complainant.

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ANITA CHAUDHRY, J

The petitioner is seeking regular bail in FIR No. 820 dated 14.12.2017 registered at Police Station City, Bhiwani under Sections 406, 498-A, 323, 377, 354-A (ii), 354(B), 376/511, 34 IPC.

Counsel for the petitioner contends that the allegations against the husband are under Section 406, 498-A, 323 and 377 IPC and in normal cases bail is allowed to the husband in the very first week of arrest. Counsel urges that it was the second marriage of the petitioner and only five persons had gone in the *barat* and the ceremony was performed in Jat Dharamshala. It was urged that false accusations have been made against the father of the petitioner who is a famous Wrestling Coach and has trained top female wrestlers whose names are disclosed in the petition and the trainees are preparing for Olympics and Commonwealth Games. The counsel urges that the complainant has made allegation that unnatural offence was committed

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on 3.7.2017 and the fact is that the petitioner and the complainant had gone to Shimla and other places in Himachal Pradesh and on 4.7.2017 they had gone to the Governor's House in Himachal Pradesh and the photographs taken on that day are appended along with the petition. The counsel further submits that serious allegations have been levelled against the father of the petitioner and a concocted story which is unbelievable, had been put forward and the father has been allowed anticipatory bail in CRM-M-5508-2018.

Counsel appearing for the complainant states that the girl is a virgin and the petitioner was impotent and the marriage was not consummated and this fact has come out in the medical report.

State counsel has produced the medical report which does not indicate that the girl is a virgin.

The complaint does not refer to the allegations which are now sought to be made on behalf of the complainant. The petitioner is in judicial custody since 22.1.2018. No recovery is to be effected. The trial will take time.

Without commenting anything on the merits of the case and considering the fact that the trial will take time to conclude, the petition is allowed and the petitioner is ordered to be released on bail on his furnishing local surety and adequate bonds to the satisfaction of the trial Court/Duty Magistrate.

(ANITA CHAUDHRY)
JUDGE

February 27, 2018
Gurpreet

Whether speaking/reasoned : Yes
Whether reportable : No

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