

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

222

CRM-M-3771-2019

Date of Decision:31.01.2019

Ajmer

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

**Present: Mr. Rakesh Kumar Lathwal, Advocate,
for the petitioner.**

Ms. Priyanka Sadar, A.A.G., Haryana.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.852 dated 25.10.2018 under Sections 323, 354, 376, 498-A read with Section 34 IPC, registered at Police Station City, District Sonipat, Haryana.

Petitioner is married with Reena, who is real sister of the complainant. Reena and the complainant are married in the same house, whereas Reena is married with petitioner-Ajmer and Teena is married with Harshat. There is a allegation of demand of dowry against the petitioner and other family members by the present complainant. Whenever the complainant used to be alone in the house, the petitioner used to commit rape upon her.

Learned counsel for the petitioner states that apart from the fact that there is a delay in lodging the FIR, petitioner is in custody since 20.11.2018. Even the complainant-prosecutrix in order to prove the offence

of rape committed upon her has refused to go for medical examination. The

petitioner has been involved in the case for the reason that there are matrimonial differences between the petitioner with his wife and the complainant being the real sister has supported her sister.

Learned State Counsel on instructions from ASI Balwant Singh does not dispute the custody period. However, she states that the petitioner had extended threat to the complainant. There is a justified reason in lodging the FIR with delay. Moreover, the relations between the parties are as such that they never wanted to spoil the relations. Therefore, the delay has occurred.

I have heard learned counsel for the parties.

Statement of the prosecutrix recorded under Section 164 Cr.P.C. as produced does reflect that though the FIR was registered on 25.10.2018, but the incident of alleged rape has taken place in September 2017. The complainant has already a dispute with her husband Harshat regarding the demand of dowry and the petitioner is real brother of Harshat. The culpability of the petitioner is yet to be decided during the course of trial. Petitioner is in custody since 20.11.2018 and trial in the case will take sufficient long time.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail, subject to furnishing of his bail bonds/surety bonds to the satisfaction of trial Court.

However, petitioner shall not extend any threat and shall not try to influence any prosecution witnesses in any manner directly or indirectly.

January 31, 2019

seema

(HARI PAL VERMA)

JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No