

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM M-14045 of 2019

Date of Decision: April 02, 2019

Arvinder Singh

.....Petitioner

Versus

State of Haryana

.... Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present : Mr. Jagjeet Beniwal, Advocate
for the petitioner.

Mr. Amrik Narwal, DAG, Haryana.

FATEH DEEP SINGH, J. (Oral)

This order shall dispose off first regular bail application under Section 439 Cr.P.C. moved in FIR No.01 dated 17.01.2019 under Sections 377 and 498-A read with Section 34 of IPC and Sections 10 and 11 of the Child Marriage Act, 2006 registered at Police Station Women, Charkhi Dadri, District Charkhi Dadri.

The brief facts are as follows:-

“ The present case has been got registered by wife of the

petitioner who claims to be of age around 18 years at the time of the registration of the case. Briefly, she has alleged that marriage of her elder sister was to be solemnized with brother of the present petitioner and the parents of the petitioner insisted and compelled the parents of the complainant that complainant too be given in the marriage to the present petitioner. Though the petitioner claims that she was a minor but for the honour of the family, she acceded to this and as a consequence of which a marriage between the petitioner and the complainant took place on 18.06.2017. It is further alleged that the petitioner used to commit unnatural sexual intercourse with her against her wishes and when she got pregnant, the accused managed to abort the child by forcibly administering her pills leading to the registration of the present case”.

Mr. Jagjeet Beniwal, learned counsel for the petitioner contends that it is a pure matrimonial dispute between two sisters on the one hand and two brothers on the other, as a consequence of which the present case has been got registered including the one earlier got registered by the elder sister of the complainant. The counsel has further argued that at the behest of the petitioner side, a criminal case

has been got registered against the family of the complainant for assault and which is still under investigation.

Mr. Amrik Narwal, DAG, Haryana on instructions from ASI Jeet Ram, Police Station Women Charkhi Dadri does not displace the facts brought to the notice of this Court by the learned counsel for the petitioner but has opposed the grant of bail on the grounds that if allowed bail, the petitioner might influence the trial and there are allegations, which are of serious nature.

Appreciating the submissions what meets the eye is that on account of the matrimonial disaccord between the two sisters on the complainant side and two brothers from the petitioners side, this case came to be registered, when it is fairly conceded at bar by the learned State counsel that there is no medical evidence to substantiate the allegations of Section 377 IPC as well as forcible abortion of the complainant. The petitioner is behind the bars since 13.02.2019 for more than one month. Culpability, if any, of the petitioner shall be determined at the trial which is not likely to be concluded in the near future. This Court is of the opinion that it is a fit case for grant of bail. Accordingly, the petitioner is ordered to be released on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, concerned.

However, it is made clear that anything observed herein

shall not be construed as an expression on the merits of the case.

Disposed off.

April 02, 2019
amit rana

(FATEH DEEP SINGH)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No