

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

**CRM-M No.16932 of 2019**  
Date of decision: 6<sup>th</sup> May, 2019

Bala Devi & another

... Petitioners

Versus

State of Haryana

... Respondent

**CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH**

Present: Mr. R.N. Lohan, Advocate for the petitioners.

Mr. Baljinder S. Virk, Dy. Advocate General, Haryana  
for the respondent/State.

**FATEH DEEP SINGH, J. (ORAL)**

Allegations against the petitioners Bala Devi mother-in-law and Sunil Kumar father-in-law of complainant Jyoti wife of Sumit, in this first anticipatory bail application under Section 438 Cr.P.C. in case bearing FIR No.1077 dated 20.12.2018 under Sections 323, 376, 377, 406, 498-A, 506 IPC pertaining to Police Station City Ballabgarh, District Faridabad are to the effect that marriage between the couple was solemnized on 30.11.2017 where sufficient dowry articles were given at the asking of the accused side. It is alleged that the accused started demanding car, motor-cycle and other costly items including gold and on failure of the family of the complainant to fulfill these demands, she was physically as well as mentally abused and has even gone to the extent of

leveling allegations of rape and unnatural offences against the husband, out of which the present petition has come about.

Learned counsel for the petitioners Mr. R.N. Lohan inter alia contends that that the petitioners are in no way involved in the commission of offence under Sections 376, 377 IPC and that the facts have been twisted by the complainant for a motivated cause and that the husband of the complainant Sumit had already been arrested and the articles recovered, and thus, nothing remains to be recovered from the petitioners.

On behalf of the State, Mr. Baljinder Singh Virk, Deputy Advocate General, Haryana on instructions from ASI Gopal, Police Station City Ballabgarh, District Faridabad submits that the complainant in her statement under Section 164 Cr.P.C. has completely exonerated the petitioners regarding offences under Sections 376, 377 IPC; though has sought to oppose the grant of relief on the grounds of nature of the offences.

Appreciating the arguments of the two sides, the own stand of the learned State counsel which has come about on the basis of statement of the complainant recorded under Section 164 Cr.P.C. that the husband of the complainant, Sumit co-accused of the petitioners has been arrested and subsequently released on bail, and therefore, this Court is of the view that sending the petitioners behind bars would be a travesty of justice. Accordingly, in the event of arrest, the petitioners are ordered to be

released on bail to the satisfaction of the Arresting Officer till submission of report under Section 173 Cr.P.C. (challan). They shall continue to join investigation and shall furnish an undertaking that they shall abide by the conditions specified under Section 438 (2) Cr.P.C. Thereafter, the petitioners will be permitted to furnish regular bail bonds to the satisfaction of the trial Court on presentation of challan.

The petition stands disposed off accordingly.

**(FATEH DEEP SINGH)**  
**JUDGE**

**May 6, 2019**

*rps*

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |