

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

**CRM-M No.50813 of 2018**  
Date of decision: 29<sup>th</sup> January, 2019

Tinku

... Petitioner

Versus

State of Haryana

... Respondent

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

Present: Mr. N.K. Chhokar, Advocate for the petitioner

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

Ms. Ramandeep Kaur Rao, Advocate for the complainant.

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

This order shall dispose off the first regular bail application filed by petitioner Tinku under Section 439 Cr.P.C. in case bearing FIR No.436 dated 16.07.2018 under Sections 323, 34, 342, 354, 354-B, 376, 506, 511, 316 IPC pertaining to Police Station Smalkha, District Panipat.

The facts that have been brought to the notice of this Court are that a case was got registered on the complaint of two sisters Mausam and Sonam, both of whom were married to two real brothers, one of whom is present petitioner Tinku and the other is Amit, around two years prior to this occurrence, which is alleged to have taken place on 15.07.2018. It is alleged that Amit on 09.07.2018 tried to outrage modesty of his sister-in-law, one of the complainants, and in the process tore off her clothes and on raising of raula, mother-in-law of the

complainant came and bolted the door and thereafter, the brother-in-law tore off clothes and had physically beaten her and thereafter her father-in-law is alleged to have locked them in a room. All the accused remarked that now they will see to them and then it is alleged that Tinku, present petitioner, caught hold of Sonam and tried to outrage her modesty and gave beatings to both the sisters, one of whom was pregnant, along with his brother Amit and forced them out of the house on account of which pregnancy of Mausam was got aborted. On 11.07.2018 when someone happened to visit their house, informed the same to their parents and that is how they were got released and the present case was got registered by the police. The petitioner was arrested on 30.07.2018.

Learned counsel for the petitioner Mr. N.K. Chhokar contends that it was a case of pure matrimonial disaccord between the two sisters who are married to two real brothers and the entire story has been fabricated and has sought to debate that no offence under Sections 316, 376, 354, 354-B IPC was made out and that the petitioner is behind bars since a long time.

On behalf of the State, Mr. Baljinder Singh Virk, Dy. Advocate General, Haryana has sought to vehemently oppose the grant of bail on the grounds that the petitioner by his intentional acts along with his real brother and co-accused non-applicant and rest of the family members, have tortured and physically abused their wives and the factum of abortion is well established by the medical record, arguing further that

if allowed bail the petitioner might influence the investigations and stifle the trial.

Appreciating the submission of the two sides, the medical evidence dated 17.07.2018 shown to the Court reflects that Mausam who was pregnant, was found bleeding as per the report of Saroj Nursing Home, Smalkha and there was concern for foetal well-being. The inter-se relationship of the accused and the complainant side is not disputed and the established documentary evidence shown to the Court is corroborative of these allegations. It is there in the stand of the prosecution from the MLR and the discharge summary and the oral testimonies of the victims are substantiating the torture heaped upon the ladies by their in-laws. An unborn child has been aborted and there are allegations of physical beating and torture by the accused as well as inhuman treatment, and the apprehension of the State that if allowed bail the petitioner might influence the investigations is not unfounded. Mere long incarceration is no extenuating circumstance for grant of bail. Finding no merit, the petition stands dismissed.

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

**January 29, 2019**

*rps*

Whether speaking/reasoned  
Whether reportable

Yes/No  
Yes/No