

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

214

CRM-M-52129-2018

Date of Decision:15.01.2019

Virender

.....Petitioner

Versus

State of Haryana

.....Respondent

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

Present: Mr. Sandeep Lather, Advocate,
for the petitioner.

Mr. Manish Bansal, D.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 FIR No.0198 dated 13.09.2018 under Sections 120, 323, 328, 342, 354-D, 376(2)(n), 376(2)(f) IPC, 1860 (the offence punishable under Section 328 IPC was deleted later on), registered at Police Station Women Police Station, Jind, District Jind.

Learned counsel for the petitioner states that the petitioner is in custody since 19.09.2018 and as per FIR, marriage of the petitioner with the complainant was solemnized on 28.05.2018. It has been alleged in the FIR that younger brother of the petitioner tried to molest the complainant and gave beatings to her, though the said matter was compromised with the intervention of the family members. Then on 02.08.2018, younger brother of the petitioner Shera committed rape upon the complainant for which a complaint was given to Police Station, Julana and the matter was again compromised, though under the pressure of the petitioner and his parents.

Thereafter, when the complainant reached home, she was given beating and

an effort was made to kill her by giving poison. However, when the complainant has brought this fact of rape committed by Shera to the petitioner (husband of the complainant), the petitioner has said that he (Shera) will continue to do the same. Thereafter, the complainant has reached her parental house on 30.08.2018. He further states that bare perusal of the FIR shows that there is no allegation that the petitioner has ever given beatings or helped Shera in committing rape if any. Petitioner is in custody since 19.09.2018 and the trial in the case will take a long time.

Learned State Counsel on instructions from ASI Birmati states that the allegations against the petitioner are that he did not stop his brother from committing rape upon the complainant, rather sponsored Shera to commit such offence.

I have heard learned counsel for the parties.

Considering the fact that there is no allegation of rape against the petitioner, he is husband of the complainant and there being no allegation against the petitioner causing any injury/beating and the matter being repeatedly compromised between the complainant and Shera, this Court deems it appropriate to admit the petitioner on regular bail.

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.

It is made clear that during the period of bail, the petitioner shall not extend any threat or pressure on the complainant or any other witnesses.

January 15, 2019
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No