

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

CRM-M-27329-2019

Date of decision:22.8.2019

SUMER SINGH

....Petitioner

Versus

STATE OF HARYANA AND ANR

.....Respondents

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. K.D.S. Hooda, Advocate
for the petitioner.

Mr. Ashok Singh Choudhary, Addl. A.G., Haryana.

Mr. Jitender Singh Kundu, Advocate
for respondent No.2.

GURVINDER SINGH GILL, J. (ORAL)

1. The petitioner seeks grant of anticipatory bail in respect of FIR No.50 dated 2.6.2019 under Sections 323, 34, 354-A, 376, 498-A, 506, 511 IPC and Section 10 of POSCO Act, Police Station Women Rohtak, District Rohtak.
2. The FIR was registered at the instance of Monika wherein it has been alleged that she was married to Sumer Singh (petitioner) on 3.5.2015 and that although her parents had given dowry beyond their capacity but her in-laws were not satisfied and raised demand of a big car and gold ornaments. It is alleged that shortly after marriage her husband started quarreling with her on petty matters and used to remain drunk. It is alleged that the complainant's husband established physical relations with

her against her consent causing physical and mental torture with her and he treated her inhumanly and also established unnatural relationship. It is also alleged that even when the complainant became pregnant, the petitioner committed forcible acts with her while in inebriated condition resulting in miscarriage of pregnancy. It is alleged that the complainant's mother-in-law raised demand of gold ornaments. Later on the complainant was turned out of her matrimonial home and although '*Panchayats*' were convened but the complainant was not rehabilitated in her matrimonial home. It is alleged that on 2.4.2019 when complainant's father dropped the complainant and her children in her in-laws place, then her father was assaulted. It is further alleged that on one day when the complainant was alone at her residence, then her brother-in-law Ajit Singh and her father-in-law picked up the complainant's daughter who was playing outside the room and removed her shorts and touched her private parts. It is also alleged that brother of complainant's husband used to make advances towards her as he and his family knew that complainant's husband is a drunkard. Even the father-in-law of the complainant is alleged to be keeping an evil eye on the complainant.

3. Learned counsel for the petitioner has submitted that a false FIR has been lodged against the petitioner and that in fact it is a case of a minor matrimonial discord which has been given a colour of criminal offence.
4. Opposing the petition, learned State counsel has submitted that since serious allegations have been levelled against the petitioner, no case for grant of anticipatory bail is made out. It has further been informed that

during investigation all the offences alleged except for offence under Section 498-A IPC have been deleted as the same were found to be not substantiated. It has further been informed that the complainant refused to accept the articles recovered from the petitioner.

5. I have considered rival contentions addressed before this Court. It is apparently a case which has arising out of some matrimonial discord between the parties. Keeping in view the fact that the petitioner has joined investigation and while refraining any expression on the merits of the case lest it may prejudice final outcome of the case, in my opinion, present case is not such a case, which would warrant custodial interrogation. Accordingly the petition is accepted and the interim directions issued vide dated 5.7.2019 by this Court are hereby made absolute subject to the condition that the petitioner would appear before Investigating Officer as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

(GURVINDER SINGH GILL)
JUDGE

22.8.2019
Gaurav Sorot

Whether reasoned / speaking? **Yes / No**

Whether reportable? **Yes / No**