

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

1. CRM-M No.29631 of 2019

Bhagirath

... Petitioner

Versus

State of Haryana

... Respondent

2. CRM-M No.41335 of 2019

Indra

... Petitioner

Versus

State of Haryana

... Respondent

3. CRM-M No.41359 of 2019

Mahesh Kumar

... Petitioner

Versus

State of Haryana

... Respondent

Date of decision: 16th November, 2019

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. K.P. Singh, Advocate for the petitioners.

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

FATEH DEEP SINGH, J. (ORAL)

The above detailed anticipatory bail application under Section 438 Cr.P.C. filed by Bhagirath father-in-law and two regular bail applications under Section 439 Cr.P.C. by Indra mother-in-law and Mahesh Kumar brother-in-law, having arisen out of the same very FIR

bearing No.47 dated 10.06.2019 under Sections 323, 376, 506, 34 IPC pertaining to Police Station Women, Palwal, are being taken up and decided together for the sake of brevity.

The allegations have come about by Usha wife of one Harikishan son of accused petitioners Bhagirath and Indra. In the complaint, the complainant alleges that she was married ten years ago and that on 19.05.2019 during afternoon, the accused father-in-law Bhagirath having advantage of her loneliness entered into her room and defiled her against her wishes and she was detained till 10.06.2019 when she disclosed the matter to other family members and it is subsequent thereto the present case was got registered.

Learned counsel for the petitioners Mr.K.P.Singh, Advocate inter alia contends that it is a pure family feud where the disgruntled daughter-in-law with a sinister design to get undue share in the family property has filed a false case as well as to undo the allegations against her for having poisoned her mother-in-law on 04.05.2019 for which reliance is sought to be placed on the medico-legal report (Annexure P2) and complaint to that effect (Annexure P3).

Learned State counsel Mr. Baljinder Singh Virk, Dy. Advocate General, Haryana on instructions from ASI Amlesh, though does not displace the facts brought before this Court but has strongly opposed grant of bail on the grounds of heinousness of the offence.

Going through the submissions of the two sides what has come up before this Court, it is the daughter-in-law as claimed by the petitioners, who has poisoned accused petitioner Indri, which is well

substantiated from the medico-legal report (Annexure P2) for which complaint (Annexure P3) has been lodged with the police. It is duly conceded to at the bar by learned State counsel that there is no medical evidence to corroborate the allegations of rape thus puts the Court on its guard. In the light of allegations and counter-allegations, it is a fit case to allow bail to the petitioners. Therefore, in the event of arrest, petitioner Bhagirath is ordered to be released on bail to the satisfaction of the Arresting Officer till submission of report under Section 173 Cr.P.C. (challan). He shall continue to join investigation and shall furnish an undertaking that he shall abide by the conditions specified under Section 438 (2) Cr.P.C. and thereafter he will be permitted to furnish regular bail bonds to the satisfaction of the trial Court.

Petitioners Indra and Mahesh Kumar, who are in custody, are ordered to be released on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Palwal. However, it is made clear that anything observed herein shall not be construed as an expression on the merits of their case.

All these petitions stand disposed off accordingly.

(FATEH DEEP SINGH)
JUDGE

November 16, 2019

rps

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No