

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-38686 of 2019 (O&M)
Date of decision : October 29, 2019

Sunita Jaspal

....Petitioner

versus

State of Haryana

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Vishva Bahl, Advocate for
Mr. Harkesh Manuja, Advocate, for the petitioner

Mr. Baljinder Virk, DAG, Haryana for the State

Mr. Pawan K. Hooda, Advocate, for the complainant

Fateh Deep Singh, J. (Oral)

The allegations in brief in this first anticipatory bail application under Section 438 Cr.P.C. in case FIR No. 290 dated 19.8.2019, under Sections 376, 328, 406, 120-B IPC, Police Station Civil Lines, Sonipat have been levelled by a married lady who has been deserted by her husband Parmod Kumar. It is alleged that in the year 2011 she became intimate with her neighbours the present

petitioner Sunita Jaspal and her husband co-accused Sanjeev Jaspal. The complainant alleges that one day, the accused served her tea and she became unconscious and as a consequence of which both accused put her in a room where the husband of the petitioner defiled her while the wife locked the door from outside. It is thereafter she was criminally intimidated and on the asking of the petitioner, her husband often used to rape her against her wishes and prepare video clips, copy of which was handed over to her husband as a consequence of which she was thrown out of her home. It is thereafter on the asking of the accused, the complainant instituted number of litigations against her husband and co-accused got her recruited in a hospital. In between the husband of the petitioner had been defiling her against her wishes at the behest of the petitioner wife.

Learned counsel for the petitioner inter-alia contends that as per the own allegations of the complainant, she remained in this relationship for more than eight years and being mature married lady had consented to this arrangement and has sought to place reliance on photographs Annexure P/5 numbering six to hammer home the point that it was a mutual developed relationship and that the petitioner has been falsely implicated for a motivated cause.

Mr. Baljinder Virk, DAG, Haryana assisted by Mr. Pawan K. Hooda, Advocate, for the complainant though do not dispute the facts brought to the notice of this Court by the counsel for the petitioner but have strongly opposed the grant of bail on the grounds of heinousness of crime and seriousness of allegations.

Going through the submissions, it is duly admitted by the complainant that she is grown up mature married lady who has been deserted by her husband after her amorous relationship with co-accused and husband of the present petitioner namely Sanjeev Jaspal. The own admission of the prosecution which is duly conceded to at the bar by the learned State counsel, the couple were in a relationship since the year 2011 till the registration of the present case in the year 2019 which is well substantiated from the photographs Annexure P/5. To the specific query of the Court, the learned State counsel was at the loss of words as to the precise role of the petitioner in this relationship between two mature persons and therefore, there is no cause for custodial interrogation and sending the petitioner behind the bars would be traversery of justice.

In view of the aforesaid, the present petition is allowed. In the event of arrest, the petitioner shall be released on interim bail to the satisfaction of arresting/investigating officer till submission of

report under section 173 Cr.P.C. (challan). The petitioner shall, however, join the investigation as and when called for and shall also abide by the conditions specified under section 438 (2) Cr.P.C. Thereafter, on presentation of challan, the petitioner will be permitted to furnish regular bail bonds to the satisfaction of the trial Court.

The present petition stands disposed of.

The observations made herein above shall have no bearing on the merits of the case as these are purely for the disposal of the present bail application.

October 29, 2019
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(Fateh Deep Singh)
Judge

Whether speaking/reasoned ?
Whether Reportable ?

Yes/No
Yes/No