

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

CRM-M-40424-2019

Date of decision: 3.10.2019

NASIM

....Petitioner

Versus

STATE OF HARYANA

.....Respondent

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**CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL**

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Present: Ms. Rosi, Advocate  
for the petitioner.

Ms. Aditi Girdhar, AAG, Haryana.

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**GURVINDER SINGH GILL, J. (ORAL)**

1. The petitioner seeks grant of anticipatory bail in respect of FIR No.185 dated 28.8.2018 under Sections 323, 406, 506, 498-A, 376 IPC and Sections 25 of Arms Act, Police Station Pinangwa, District Nuh.
2. The FIR was registered on the basis of statement of prosecutrix/victim wherein it has been alleged that her marriage was solemnized about 4 years back with Saddik and that her younger sister was married to brother of her husband i.e. to Hafeej. It is alleged that right from the inception of marriage her husband and other members of his family started harassing them and had been demanding dowry. It is alleged that on 6.12.2017, at about 6 p.m. when her husband had gone out to attend call of nature her brother-in-law Nasim entered into her room and tried to establish sexual relations with her forcibly and tore her clothes. When the complainant

objected to the same, he pointed a country made pistol and while issuing threat to kill her committed rape upon her. It is further submitted that complainant disclosed about the said incident to her husband Saddik, her mother-in-law Mehruni and brother-in-law Hafeej, but the said persons also threatened the complainant and told her not to disclose the said matter to anybody. It is further alleged that the said accused thereafter gave beatings to her and locked her in room. It is alleged that her father-in-law gave '*Lathi*' blow on her left elbow and her brother-in-law also gave several blows with stick while her mother-in-law gave kick blows and her husband gave slaps and also inflicted blows with sticks. It is also stated therein that thereafter she went to her parental home and seeing her condition she was taken to Government Hospital at Punhana where she was medically examined and was referred to Government Hospital Mandikhera.

3. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case on account of some matrimonial discord between complainant and her husband. It has been submitted that there is huge delay of more than 8 months in lodging the FIR and that in any case there is no medical evidence to substantiate either the allegations pertaining to the rape or regarding alleged inflicting of injuries by the accused. It has further been submitted that other accused including husband, father-in-law and mother-in-law of the complainant have already been granted bail.
4. Opposing the petition, learned State counsel has submitted that since it is the petitioner against whom allegations of rape has been levelled, no case

for grant of bail is made out. It has further been informed that no medical examination is available on the file pertaining to the injuries inflicted on the complainant in December, 2017 and that it was in September, 2018 that the complainant was medically examined.

5. I have considered rival contentions addressed before this Court. There is absolutely no explanation with regard to whopping delay of 8 months in lodging of FIR. Further, although it is alleged that prosecutrix had been inflicted large number of injuries but it is only after 9 months that she is stated to have been medically examined. Keeping in view the aforesaid facts and circumstances and without making any expression on the merits of the case, present case is not such, which would warrant custodial interrogation. The petition as such, is accepted. In the event of arrest of the petitioner, he shall be released on bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation 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

3.10.2019  
Gaurav Sorot

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No