

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

CRM-M No.48525 of 2019
Date of decision: 21st November, 2019

Ashraf

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Vipul Aggarwal, Advocate for the petitioner.
Mr. Amrik Narwal, Dy. Advocate General, Haryana
for the respondent/State.

FATEH DEEP SINGH, J. (ORAL)

Petitioner Ashraf happens to be father-in-law of complainant, the latter having married to Zuber alias Munna son of the petitioner way back in November, 2016. The allegations in this first regular bail application under Section 439 Cr.P.C. in case bearing FIR No.106 dated 05.07.2019 under Sections 323, 376, 498-A, 506, 34 IPC pertaining to Police Station Women NIT Faridabad, in brief are that at the wedding family of the complainant had given sufficient dowry articles including ₹5.00 lakhs in cash to enable them to buy a car however the in-laws were not happy with it and had been physically and mentally torturing her and as a consequence of which on 15.09.2018 the complainant left her matrimonial home. It is alleged that on 30.09.2018 while the complainant was alone in her parental house, accused petitioner came and defiled her against her wishes leading to registration of the present case.

Learned counsel for the petitioner Mr. Vipul Aggarwal, Advocate inter alia contends that it is a pure matrimonial dispute which has been given the tinge of criminality to add to the false allegations of the complainant. It is argued that neither there is any medical evidence to support the allegations and even the FIR has come about after nine months of the alleged occurrence and the petitioner is behind bars for almost two months.

On behalf of the State, Mr. Amrik Narwal, Dy. Advocate General, Haryana on instructions from ASI Sunita though has opposed the grant of bail on the grounds of heinousness of the offence but fairly concedes to the factual scenario.

Appreciating the submissions of the two sides what has come before this Court, appears to be a matrimonial dispute between the two sides. The inordinate delay in lodging of the FIR after the incident, which is almost ten months, without there being any supportive medical evidence and the improbability of the version that is writ large on the records, impels this Court to hold that it is a fit case to allow bail. In view thereof and the fact that the trial will take a long time to conclude, this Court is of the opinion that no useful purpose will be served by keeping the petitioner in custody in the present case. Accordingly, he is ordered to be released on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Faridabad. However, it is made clear that

anything observed herein shall not be construed as an expression on the merits of the case.

The petition stands disposed off accordingly.

(FATEH DEEP SINGH)
JUDGE

November 21, 2019

rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No