

**IN THE HIGH COURT OF PUNJAB AND HARAYANA AT CHANDIGARH
108 (PROCEEDINGS THROUGH V.C.)**

CRM-M-14470-2020

Date of decision: 09.06.2020

SANJEEV KUMAR @ TINKU

...PETITIONER

V/S

STATE OF HARYANA AND ANOTHER

..RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Parmod Kumar, Advocate,
for the petitioner.

Mr. Apoorv Garg, DAG, Haryana.

AUGUSTINE GEORGE MASIH, J. (ORAL)

The present petition has been filed under Section 438 Cr. P.C. for grant of anticipatory bail in FIR No. 15 dated 14.02.2020 registered under Sections 343, 498-A, 506 IPC and 6/17 of POCSO Act, 2012 and Sections 9 and 10 of the Child Marriage Restraint Act, 1929 at Police Station Women, Kurukshetra, District Kurukshetra.

It is the contention of the counsel for the petitioner that the complainant has involved the whole family of the petitioner in the matter. It is asserted that the marriage of the daughter of the complainant was solemnized with the brother of the petitioner with the consent of all the parties. The present FIR has been filed with an intention to extract money from the petitioner and the other family members. Assertion has also been made that it is a second complaint which has been filed by the complainant.

Earlier the first complaint was filed on 07.02.2020 which was withdrawn on 13.02.2020 and it is a second complaint, which has been filed by the complainant primarily for extracting money from the petitioner and his family members.

Assertion has been made by the counsel for the petitioner that all the allegations, which have been made in the FIR, are concocted and it is difficult to believe that when a person is already married as the petitioner, the family members would allow the brother of the husband of the prosecutrix to commit such an act upon his sister-in-law (*bhabhi*). Prayer has, thus, been made that the petitioner being innocent be granted the concession of bail as he would be unnecessarily incarcerated for non-commission of any offence. It is further contended that three family members of the petitioner and the mediator, who had got solemnized the engagement/marriage of the prosecutrix with the brother of the petitioner, have been granted anticipatory bail by the trial Court itself which shows the falsity of the allegations in the FIR.

On the other hand, counsel for the State contends that the other co-accused, who have been granted bail, were those against whom there were general allegations but in the case of the petitioner and his brother Pardeep, who is the husband of the prosecutrix, they have been denied bail by the trial Court. He asserts that as to why second complaint was filed and the liberty, which was sought for by the complainant by filing fresh one, also stands amply explained by the learned trial Court in the order dated 30.05.2020 rejecting the bail application of the petitioner. There being very clear and specific allegations against the petitioner and his brother Pardeep, petitioner does not deserve the concession of bail especially when the

prosecutrix was a minor attracting Sections 6 & 17 of the POCSO Act as also Sections 9 and 10 of the Child Marriage Restraint Act along with Section 343, 498-A and 506 IPC. The offences are serious in nature and the statement of the victim under Section 164 Cr. P.C. stands recorded before the Magistrate. He, therefore, contends that the bail application of the petitioner deserves dismissal.

I have considered the submissions made by the counsel for the parties and have gone through the pleadings and the available records.

There are very clear and specific allegations as far as the petitioner is concerned with regard to he having committed rape on the minor. Petitioner being brother-in-law (*Jeth*) was supposed to protect the dignity of his *bhabhi*, who is just like a sister to him. Instead of respecting that relationship, he forced himself upon her. In the light of the specific allegations against the petitioner, the prayer of the petitioner for grant of anticipatory bail cannot be accepted.

As regards the allegation of blackmailing the family of the petitioner, it is the question which would be dealt with by the trial Court at the appropriate stage but as of now, there being every reason for rejection of the bail application of the petitioner, the Court cannot take any other view except for denying the said prayer of the petitioner.

In view of the above, the present petition stands dismissed.

June 09, 2020

pj

**(AUGUSTINE GEORGE MASIH)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable : Yes/No