

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

**CRM No.22746 of 2020 IN/AND
CRM-M No.18753 of 2019 (O&M)
Decided on: 17.09.2020**

Vakil Kumar

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Mohit Bishnoi, Advocate
for the petitioner.

Mr. Sumit Jain, Addl. A.G., Haryana.

Mr. Jitender Sehrawat, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (Oral)

CRM No.22746 of 2020

Prayer in this application is for preponing the date fixed in
the main petition.

Heard.

For the reasons stated in the application, the same is
allowed and the date fixed in the main petition is preponed for today.

CRM-M No.18753 of 2019

Prayer in this petition is for grant of regular bail to the
petitioner under Section 439 of the Code of Criminal Procedure (in
short 'Cr.P.C.') in FIR No.61 dated 26.03.2019, for offence punishable
under Sections 323, 342, 506, 34, 498-A, 376(2)(N) and 376(2)(F) of
the Indian Penal Code, 1860 (in short 'IPC') registered at Police Station
Sadar Tohana, District Fatehabad.

Counsel for the petitioner has submitted that the petitioner is the elder brother of the husband of the complainant and has been falsely implicated in the FIR.

Counsel for the petitioner has further submitted that as per the allegations in the FIR, registered at the instance of the victim against her husband Kuldeep, the petitioner – Vakil Kumar and his wife Sunita and mother Sarbati, it is stated that at the time of marriage, she was 15 years of age and was studying in Class 8th. The petitioner started sexually exploiting her and the husband of the victim raised no objection against the same. In the FIR, the incidents of committing the rape are detailed.

Counsel for the petitioner has also submitted that in fact the complaint was having a love affair with a person namely Bimal @ Sunder and she never wanted to stay with her husband and that is why, the petitioner is falsely implicated in the case.

In reply, counsel for the State assisted by counsel for the complainant has, however, opposed the prayer for bail on the ground that the victim ('P' name not disclosed) in her statement recorded under Section 164 Cr.P.C., dated 29.03.2019 had deposed before the Illaqa Magistrate that the petitioner committed rape on her on 23.03.2019 and again on 11.03.2019 and her husband and the petitioner used to lock her in a room without food and on 13.03.2019, she escaped from their custody.

Counsel for the State has further referred to the statement of the victim, who appeared as PW5 before the trial Court wherein she has stated that at the time of incident, she was about 15 years of age.

The petitioner who was present in the Court is the elder brother of her husband Kuldeep and he had raped her in the matrimonial home. The petitioner used to give her beatings when she complained the matter to her husband, he did not take her side and even the lady member of the family were afraid of the petitioner – Vakil Kumar despite making a complaint about the atrocities committed upon her by the petitioner, the ladies would blame the complainant. She was kept in a room and was not provided any food or meal and was threatened not to disclose this fact to any person. In the statement, she has given the details and date when the rape was committed by the petitioner.

After hearing the counsel for the parties and in view of the allegations levelled against the petitioner wherein the victim/complainant has supported the version in the FIR and in her statement recorded under Section 164 Cr.P.C. as well as while appearing as PW5, before the trial Court, I find no ground to grant the concession of bail.

Dismissed.

(ARVIND SINGH SANGWAN)
JUDGE

17.09.2020
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Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No