

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-19311-2020 (O&M)

Date of Decision: August 24, 2020

Aju @ Ajay

...Petitioner

Versus

State of Haryana & another

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Vivek Goyal, Advocate,
for the petitioner.

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

Mr. Saransh Sabharwal, Advocate,
for respondent No.2.

MANOJ BAJAJ, J. (Oral)

CRM-20245-2020

Prayer in the application is for impleading Meenakshi daughter
of late Mange Ram as respondent No.2.

Allowed as prayed for.

Amended memo of parties is taken on record.

CRM-M-19311 of 2020

Petitioner has filed this petition under Section 439 Cr.P.C. for
grant of regular bail, pending trial in case FIR No.166 dated 28.05.2020,
under Sections 376, 511 and 323, 498-A, 34 IPC (added later on),
registered at Police Station, Chandimandir, District Panchkula. The
petitioner is in custody since his arrest on 20.06.2020.

The above FIR was registered on the statement of Meenakshi
wife of Satish and is founded on her statement recorded under Section 164

Cr.P.C. in case FIR No.158 dated 23.05.2020, under Section 346 IPC,

registered at Police Station, Chandimandir. The said FIR was registered at the instance of her husband and when the complainant was found at bus stand, she was produced before the Magistrate, and her statement is as under:-

“My husband, father-in-law, mother-in-law, brother-in-laws (Dever, Jeth) were harassing me in my matrimonial home and my brother-in-law (Jeth) was trying to forcibly abuse me (zabardasti karne ki koshish). Being fed up from them and without informing anyone in the house, my own went to PGI bus stand on dated 22.05.2020, and I stayed at the bus stand till 27.05.2020. Police found me on 27.05.2020. I went there with my own will. Now I want to live my brothers. Question. Whether you want to say anything else. Answer. No Sd/-Meenakshi.” On these broad allegations, the above FIR was registered.

Learned counsel for the petitioner contends that the complainant left the company of her husband, namely, Satish and a case FIR No.158 dated 23.05.2020, under Sections 346 IPC, Police Station, Chandimandir (Annexure P-2) was lodged by the husband. It is pointed out that later on the brother of the complainant threatened Satish and he committed suicide, whereupon FIR No.160 dated 26.05.2020, under Sections 306 and 34 IPC, Police Station, Chandimandir (Annexure P-3) was registered at the instance of Mohit (brother of Satish). It is argued that as a counter blast to the said FIR No.160 dated 26.05.2020, the present case was lodged, wherein the allegations regarding commission of offences punishable under Section 376 read with Section 511 IPC were made. Learned counsel for the petitioner has pointed out that subsequently the other offences under Sections 323, 498-A and 34 IPC were also added and

petitioner was also falsely implicated, who is the brother-in-law of the complainant. According to him, the investigation of the case is complete and, therefore, his further custody may not be necessary. He has prayed for grant of regular bail, during the pendency of the trial.

On the other hand, learned State counsel, assisted by the learned counsel for the complainant, has opposed the prayer on the ground that the victim was harassed by the accused persons. According to the learned counsel for the complainant, the petitioner (Jeth) harassed the complainant and, therefore, the petitioner does not deserve the concession of bail. Learned State counsel, on instructions from SI Reeta, states that the final report stands filed on 28.07.2020.

Considering the above background, custody of the petitioner and the fact that the trial is likely to consume considerable time to conclude as the country continues to be in the throes of global pandemic, namely, COVID-19 and the State Government and District Administration have also imposed various restrictions to curb its spread, this Court does not find any reason to decline the prayer. The petitioner after his arrest on 20.06.2020, is presently confined in judicial custody, therefore, his further detention behind the bars may not be justified.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate, Panchkula.

The petition is allowed.

August 24, 2020
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No