

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

**CRM-M-22031-2020
Date of decision: 07.08.2020**

Daljeet Kaur @ Manjeet Kaur

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Jasvir Singh Dhaliwal, Advocate
for the petitioner.

Mr. Kuldeep Tiwari, Addl. A.G., Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR No. 307 dated 18.07.2020, registered under Sections 342, 376F, 378(2)N and 120 of the IPC; Sections 9, 10, 11 of the Children Marriage Prohibition Act, 2006; Section 6 of the POCSO Act; Section 3 of the SC/ST Act, 1989 and Section 81 of the Juvenile Justice Act at Police Station City Tohana, District Fatehabad.

Learned counsel for the petitioner submits that as per the allegations in the FIR, registered at the instance of complainant/prosecutrix 'N' (name withheld), it is stated that she knew co-accused Sombir for the last one year and they were in love affair with each other. Sombir purchased a screen touch mobile phone for her and they started talking to each other. Thereafter, the prosecutrix went to Delhi with Sombir out of her own free will and they stayed in a hotel there. Thereafter, she stayed with Sombir for six months and came back to Tohana, where Sombir told her that he will

talk to her family members for their marriage. Then Sombir went to his house, however, the prosecutrix could not go her home as she was afraid and met petitioner Daljeet Kaur wife of Pardeep Kumar who brought her to her house and on 21.05.2020, they came to the police station and submitted a complaint against her father. The police sent her back with her father and after two days, she again ran away from home and went to the house of Daljit Kaur, thereafter she was contacted by Sombir on mobile phone. On 15.06.2020, with the help of petitioner Daljeet Kaur and his husband Pardeep Kumar, got the marriage of the prosecutrix and Sombir performed at Kali Mata Temple at Jakhal. The said marriage was attended by some persons named in the FIR and the photographs were also taken. Thereafter, the prosecutrix was taken to her in-laws house by Sombir and after one month of marriage, a party was hosted and when she was alone, co-accused Mandeep, who is her *Devar* (brother-in-law) in an inebriated state raped her for three days.

Learned counsel for the petitioner further submits that there is no allegation against the petitioner that either she has committed any offence or she has helped the accused in committing the offence of rape upon the prosecutrix as it is the own case of the complainant/prosecutrix that she was having a love affair with Sombir for the last about eight months and thereafter, she left her house and stayed with Sombir for about six months. It is only when Sombir brought her back to Tohana to arrange a marriage, she met the petitioner and the petitioner and her husband have only facilitated the marriage of the complainant/prosecutrix with Sombir. Learned counsel for the petitioner further submits that except for this part in

the FIR, there is no allegation against the petitioner as the offence of rape was allegedly committed by Mandeep after one month of marriage as detailed in the FIR.

Learned counsel for the petitioner further submits that the petitioner is a lady and has no criminal background and the Additional Sessions Judge has dismissed the bail application of the petitioner only on the ground that when Sombir and Mandeep were arrested, they suffered a disclosure statement that the petitioner managed the said marriage by taking an amount of Rs. 80,000/-, however, this statement cannot override the version given in the FIR by the complainant herself.

Learned State counsel, however, submits that the petitioner is facing two FIRs, i.e. one under Section 380 IPC and the other under Sections 406 and 420 IPC, though she is on bail in both cases.

Learned State counsel further submits that co-accused Sombir and Mandeep have made a disclosure that the petitioner has taken an amount of Rs. 80,000/-.

Learned State counsel, however, could not dispute the factual position and submitted that the petitioner, after grant of interim anticipatory bail by the Sessions Judge, did not join the investigation.

I have heard learned counsel for the parties.

Without commenting anything on the merits of the case, after perusing the detailed FIR and considering the fact that the complainant has herself stated that she had a love affair with Sombir and has stayed with him for about six months at Delhi and for the purpose of performing her marriage, she met petitioner and thereafter, the petitioner and her husband

arranged her marriage with Sombir on 15.06.2020 and the allegations in the FIR are that co-accused Mandeep committed rape upon the complainant/prosecutrix after one month of marriage, looking into the totality of the circumstances, I find it a fit case to grant the concession of anticipatory bail to the petitioner.

Accordingly, the present petition is allowed.

The petitioner is granted concession of anticipatory bail, subject to the conditions envisaged under Section 438(2) Cr.P.C.

However, it will be open for the Investigating Officer to call upon the petitioner to join investigation, if so required, after issuing a written notice in this regard.

07.08.2020

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No