

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

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**CRM-M-22325-2020(O&M)
Date of Order:27.08.2020**

KRISHAN

..Petitioner

Versus

STATE OF HARYANA

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Rajat Mor, Advocate,
for the petitioner.

Mr. Chetan Sharma, AAG, Haryana

Mr. Punit Malik, Advocate,
for the complainant.

ANIL KSHETARPAL, J(Oral)

Hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

On 11.08.2020, the following order was passed:-

“The petitioner prays for pre-arrest bail in a criminal case arising from FIR No.38 dated 03.07.2020 registered under Sections 498-A, 354-A, 506, read with Section 34 of the Indian Penal Code, 1860, at Police Station Women Police Station Sector-51, Gurugram.

The brief facts of the case has been noticed by the learned Additional Sessions Judge, Gurugram, in para 3 of the order, which reads as under:-

“3. As per reply, the instant case FIR was lodged on the written complaint moved by Ritu Yadav, complainant, inter alia, with the allegations of demand of dowry, sexual harassment, cruelty and threatening etc. against her husband Jag Parvesh, mother-in-law Ganga Devi, Jeth Shri Krishan, sister-in-law Pooja (Jethani) and sister-in-law Rekha and Renu, Virpal (husband of Rekha). It is also alleged that on 06.01.2020, pistol was pointed upon her during night hours and threatened her with dire consequences of death. On 09.01.2020 at about 5 p.m., her jeth caught hold of her in her room and tried to commit rape upon her, however, she pushed him and raised noise and narrated the incident to her mother.

After that her Jethani and mother-in-law took her from the room and started beating. Her husband was having a pistol in his hand. However, she succeeded in fleeing away from their clutches and informed the police on 100 number from the mobile phone of his Bua's son Akhilesh and also informed her parents about the incident. On this, her father, uncle, brothers etc. reached in the police station where she narrated about the acts of her Jeth and Nandoi. Her father told her that they will convene a panchayat. The accused persons had also forcibly taken away children. With these allegations, she prayed to take criminal legal action against the accused persons."

Learned counsel for the petitioner contends that the petitioner is brother-in-law of the husband of the first informant. He further contends that there is an unexplained delay of 6 months in lodging the FIR. He further submits that the present false FIR has been registered on account of marital discord between the first informant and her husband. He further contends that the entire family is sought to be falsely implicated.

Notice of motion.

Mr. Sahil Gupta, Advocate has put in appearance on behalf of the first informant. Mr. Chetan Sharma, AAG, Haryana accepts notice on behalf of the State.

Adjourned to 27.08.2020.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C."

Learned counsel appearing for the State, on instructions from ASI Poonam, has submitted that the petitioner has joined the investigation, cooperated and is not required for further custodial interrogation.

Keeping in view the aforesaid facts, the interim order dated 11.08.2020 passed by this Court is made absolute.

Accordingly, the present petition is allowed.

August 27, 2020
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(ANIL KSHETARPAL)
JUDGE

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