IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

103) CRM-M-30985 of 2020
Date of Decision: 05.10.2020

Surender Singh Dahiya …Petitioner

Versus

State of Haryana …Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Himanshu Jawa, Advocate, for the petitioner.
Mr. Deepak Bhardwaj, DAG, Haryana.
Mr. Baldev Singh, Advocate, for the complainant.

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Amol Rattan Singh, J. (Oral)

All the cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the Covid-19 pandemic.

By this petition, filed under the provisions of Section 438 of the Cr.P.C, the petitioner seeks the concession of anticipatory bail, upon FIR no.687 dated 26.08.2020, having been registered at Police Station Thanesar City, District Kurukshetra, alleging therein the commission of offences punishable under Sections 323/376/498A/506/511 of the IPC.

Learned counsel for the petitioner submits that the FIR itself has been registered on 01.06.2020, with no date of the alleged incident (as regards the attempted rape), having been given in the FIR, though subsequently in the statement made by the prosecutrix under the provisions of Section 164 of the Cr.P.C., on 16.09.2020, she disclosed the date to be November 24, 2019. He submits that therefore all allegations have been made only to extort money from the petitioner and his family, with the petitioners' wife, i.e. the mother-in-law of the prosecutrix, already having

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been admitted to interim bail by this court vide an order passed on September 28, 2020 in CRM-M-30020 of 2020.

He further submits that even all the articles of dowry etc., as are alleged to have been given, have been returned.

Notice of motion is issued to the respondent-State, with Mr. Deepak Bhardwaj, learned DAG, Haryana, accepting notice at the asking of the court, and with Mr. Baldev Singh, Advocate, appearing for the complainant..

Learned State counsel submits that, as per his instructions received from Sub-Inspector Pawandeep Kaur, the complaint was actually filed on 01.06.2020 after the lock down opened and before that, attempts at mediation were going on between the parties through a commonly known friend/relative, and then even at the Police Station Womens' Cell, Gurugram.

As regards any recovery made, he submits that as per the prosecutrix and her family, Rs.4.5 lacs paid in dowry to the petitioner and his family (as alleged) are still to be recovered, with some gold articles are also to be recovered.

Mr. Baldev Singh, learned counsel for the complainant, has reiterated what has been argued by Mr. Bhardwaj, with him further submitting that though the exact date has not been given in the FIR, the month of occurrence has been given as November 2019.

Having considered the above, though learned counsel for the petitioner has again vehemently stated that the allegations are only for

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extortion of money from the petitioner, considering the fact that thereafter even mediation was attempted and the delay in lodging the FIR, as also the complaint, was possibly on account of the lock down, I see no ground to entertain this petition.

Consequently, without making any comment on the actual merits of the case, for or against the petitioner, this petition is dismissed.

05.10.2020 **(AMOL RATTAN SINGH)**
vcgarg **JUDGE**

Whether reasoned/speaking: Yes
Whether reportable: No

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