

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

CRM-M-35438-2020 (O&M)
Date of Decision:- 10.11.2020

Toni @ Vinod Kumar

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Aditya Sanghi, Advocate for the petitioner.

Ms. Sheenu Sura, DAG, Haryana.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in a case registered vide FIR No.67 dated 22.6.2020 under Sections 376(2)(F)/376(2)(N)/323/506/34 IPC at Police Station Women Police Station Sirsa, District Sirsa.
2. The FIR was lodged at the instance of prosecutrix wherein it is alleged that she was married about 10 years back with Rajesh. It is alleged that her husband used to give beatings to her after marriage. It is further alleged that in January, 2020 when her husband was away to Delhi in connection with work, her father-in-law Toni @ Vinod Kumar (petitioner) raped her and threatened that in case she disclosed about the same to anyone, she would be killed. The complainant alleges that when her husband returned back home, she disclosed about the incident to him but even he threatened to kill her. The complainant also alleged that in the month of May, 2020 she alongwith her husband went to Tohana where her husband gave beatings to her.

3. The learned counsel for the petitioner has submitted that a false FIR has been lodged on account of matrimonial discord and that it is infact a case where the offence took place in January, 2020 but the FIR in respect of the same came to be lodged in June, 2020.
4. Opposing the petition, the learned State counsel has submitted that since the petitioner is specifically named in the FIR, no case for grant of bail is made out. The learned State counsel has, however, informed that the petitioner has been behind bars since the last 2 ½ months and that challan already stands presented.
5. I have considered rival submissions addressed before this Court.
6. The contention of the petitioner that a false FIR has been lodged on account of matrimonial discord is a matter which would certainly required to be considered as the petitioner against whom allegations of rape have been levelled is father-in-law of the complainant, who has also raised certain allegations against her own husband. The husband of the complainant i.e. Rajesh has already been granted bail by this Court. The challan already stands presented and as such, further detention of the petitioner will not serve any useful purpose.
7. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

10.11.2020

kamal

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned
Whether Reportable

Yes / No
Yes / No