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

**CRM-M No.34978 of 2020
Date of Decision: 01.12.2020**

AJAY ARORA @ ASHU

.....Petitioner

Vs

STATE OF HARYANA

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present:Mr. Namit Khurana, Advocate
for the petitioner.

Mr. Rajat Gautam, D.A.G., Haryana.

Mr. Anshul Mangla, Advocate
for the complainant.

RAJ MOHAN SINGH, J.(Oral)

The case has been taken up for hearing through video conferencing.

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.100 dated 04.08.2020, registered under Sections 498-A, 406, 376, 511, 354-A, 354-D & 120-B IPC at Police Station Women Yamuna Nagar, District Yamuna Nagar.

Petitioner is brother of Nitin @ Anil whose marriage was solemnized with the complainant on 25.03.2018. There are

allegations of harassment and maltreatment of the complainant for which a Panchayat was convened on 19.05.2020 and a compromise was arrived at. Thereafter, complainant started living with her daughter on the first floor, but husband did not live with her and he resided with brother and mother on the ground floor.

Further allegations are that on 29.06.2020, petitioner tried to outrage the modesty of the complainant under the influence of liquor and torn away the clothes. He attempted to commit rape upon the complainant. FIR was lodged for the offences under Sections 498-A, 406, 376, 511, 354-A, 354-D, 120-B IPC. Part of the aforesaid offences were recorded in the supplementary statement of the complainant.

Learned counsel for the petitioner submitted that the prosecutrix has tried to improve the case in the statement under Section 164 Cr.P.C. which was recorded on 22.09.2020 i.e. after about three months of the occurrence, wherein she has tried to bring out the case from the ambit of mere preparation to an act of attempt, but the prosecution has deleted the offence under Section 511 IPC from the FIR. During investigation the supplementary statement of the complainant was also recorded on 14.10.2020 in which the prosecutrix has also named uncle and cousin of the petitioner.

Learned counsel further submitted that the FIR has been lodged on 04.08.2020. The complainant had left the matrimonial house on 22.07.2020 and left the minor daughter with the petitioner. A divorce petition has been filed by brother of the petitioner on the ground of cruelty and desertion. Complainant was earlier married with one Arun Khanna on 30.03.2016. She also got FIR No.464 dated 19.08.2017 registered under Sections 376, 34, 506 IPC at P.S. Yamuna Nagar against her the then brother-in-law. The matter was settled and FIR was cancelled later on.

Learned counsel further submitted that in the present case, a compromise has been arrived at between the parties on 17.11.2020 and the complainant has started living with her daughter and husband in a separate accommodation.

The factum of compromise has been endorsed by Mr. Ashul Mangla, learned counsel appearing on behalf of the complainant.

Learned State counsel however opposed the bail on the ground that the allegations are serious and the offences cannot be diluted even on the basis of compromise between the parties. Challan has been presented so far.

Taking into consideration the aforesaid facts of the

case, particularly in the light of matrimonial tie up between the complainant and her husband, improvement made by the prosecutrix from time to time and the compromise ultimately entered into between the parties, I deem it appropriate to enlarge the petitioner on regular bail.

In view of above, petition is allowed. Petitioner is ordered to be released on bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

December 01, 2020

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(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No