

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-38859-2020 (O&M)

Date of decision: December 22, 2020

Rahul Sheoran

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Vivek Khatri, Advocate
for the petitioner.

Mr. Deepak Grewal, DAG, Haryana.

Mr. R.S. Malik, Advocate for the complainant.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer made in the petition is for grant of anticipatory bail to the petitioner in FIR No.442 dated 13.09.2020 under Sections 294,323,376,377,498-A,509 IPC registered at P.S Sadar Sonapat, District Sonapat.

The operative part of the order dated 04.12.2020, reads as under:-

“As per allegations in the FIR, marriage of the complainant was solemnized with brother of the petitioner on 05.12.2013. It is alleged that the complainant was harassed by family members of her in-laws. She was beaten up on persistent demand of dowry. A male child was born on 13.09.2015 out of their wedlock. The petitioner and his wife were also residing in the same house. There was a court case going on between the petitioner and his wife due to which wife of the petitioner usually lived in her parental house. It is further alleged that two years before lodging of the FIR, the petitioner took mobile phone of the complainant at her back and hacked her whatsapp. After taking printout of her messages, he started harassing the complainant saying that he would disclose all her secrets to her husband. The petitioner is alleged to have

developed illegal physical relations with the complainant and continuously harassed her for two years before lodging of the FIR. Though, the complainant disclosed all this to her husband but she was rather abused by her in-laws. Thereafter, complainant came to her mother's house along with the child.

Learned counsel for the petitioner contends that the allegations against the petitioner are totally false. Complainant is a government Teacher and that she has not been staying in her matrimonial home for the last so many years. She is residing in Madhuban Police Complex in a government quarter initially allotted to her father. After death of her father, the accommodation was transferred in the name of the complainant and since then she is staying therein. On a complaint made by some colleagues of the complainant, said allotment was cancelled. The petitioner filed a writ petition bearing CWP No.14235 of 2018 challenging the cancellation. She specifically averred in the petition that even after her marriage, she has been staying in the said quarter along with the minor child. It is contended that as per her own case, the petitioner has not been staying in the matrimonial home, hence the allegations in the FIR against the petitioner are not true.

Notice of motion for 22.12.2020.”

Counsel for the petitioner submits that in pursuance to the order dated 04.12.2020, the petitioner has appeared before the Investigating Officer and has joined the investigation.

Learned State counsel, on instructions from ASI Satnam Singh, has not disputed the factual position.

In view of the same, the present petition is allowed and the order dated 04.12.2020 is made absolute, subject to the conditions envisaged under Section 438(2) Cr.P.C.

(ARVIND SINGH SANGWAN)
JUDGE

December 22, 2020
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No