

In virtual Court

CRM-M-39872-2020

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

**CRM-M-39872-2020 (O&M)
Date of decision: 03.12.2020**

Rajinder

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Vinod Ghai, Sr. Advocate with
Ms. Kanika Ahuja, Advocate
for the petitioner.

Mr. Deepak Kumar Grewal, DAG, Haryana.

Mr. Pratham Sethi, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.481 dated 08.08.2020 under Sections 376, 323, 506 read with Section 34 IPC (Section 376 IPC was deleted and Sections 325 & 307 IPC were added later on), registered at Police Station Samalkha, Panipat.

Learned senior counsel for the petitioner submits that the petitioner is father-in-law of complainant Jyoti daughter of Balwan. It is further submitted

that marriage of Jyoti was solemnized with son of the petitioner namely Vishal on 18.03.2009 and two children were born out of this wedlock. It is also submitted that on 14.06.2020, two cross-FIRs were registered on account of the allegations and counter-allegations between the petitioner's side as well as complainant's side. FIR No.337 under Sections 323, 498-A read with Section 34 IPC, Section 376 read with Section 511 IPC was registered by the present complainant against her husband and in-laws and FIR No.338 under Sections 323, 452, 506 read with Section 34 IPC was registered by petitioner Rajinder against complainant Jyoti and her family members. Since there were allegations and counter-allegations, the matter was compromised between the parties, however, the complainant kept the same in her mind and her behaviour aggravated thereafter.

Learned senior counsel for the petitioner further submits that as per allegations in the FIR, on 06.08.2020, when husband of the complainant Vishal had gone to the farms, his brother i.e. brother-in-law of the complainant Vikas forcibly entered her room and committed wrong act with her without her consent. This fact was brought to the notice of her husband on 07.08.2020, when he returned back and instead of scolding Vikas, all the persons gave beatings to the complainant. In the meantime, complainant called her parents to arrived at the spot and thereafter, there was a fight between them and complainant Jyoti, her mother Kamlesh and father Balwan were allegedly caused injuries by the petitioner and his two sons. It is further submitted that during the investigation, wife of the petitioner namely Roshni Devi was found

innocent. It is next argued that even both son of the petitioner Vishal and Vikas have suffered injuries in the said scuffle and relied upon their MLRs.

Learned senior counsel for the petitioner has next argued that during the investigation, the police deleted the allegation of rape and Section 376 IPC stands omitted. Learned senior counsel has referred to the statement of injured Kamlesh recorded under Section 161 Cr.P.C. that Vishal has caused injuries on her head, whereas other injured Balwan and complainant Jyoti suffered simple injuries. It is further submitted that the petitioner is aged about 57 years and is in custody since 18.09.2020; investigation is complete and he is no more required for further investigation.

Learned State counsel has not disputed the factual position, as submitted by learned senior counsel for the petitioner, however, submits that three persons were injured from the complainant side including her mother and father.

Learned counsel for the complainant has opposed the prayer for bail on the ground that the petitioner and his sons have caused grievous injuries using lathi and iron rod etc. It is further submitted that if the petitioner is granted bail, he can misuse the concession of bail and may try to induce the witnesses.

After hearing learned counsel for the parties, without commenting anything on merits of the case and considering the aforesaid submissions made by learned counsel for the parties, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bonds

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to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate, concerned.

However, it will be open for the prosecution or the complainant to apply for cancellation of bail in case the petitioner is found misusing the concession of bail at a later stage.

**[ARVIND SINGH SANGWAN]
JUDGE**

03.12.2020
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No