

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-912-2021

Date of Decision: 21.01.2021

Manu

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. Ravi Kant Sharma, Advocate,
for the petitioner.

Mr. Naveen Sheoran, Deputy Advocate General, Haryana,
for the respondent.

Through Video Conferencing

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure, for grant of regular bail to the petitioner in FIR No.506 dated 15.07.2020, under Sections 328, 366, 376, 377, 506 and 34 of the Indian Penal Code, registered at Police Station Sonipat City, District Sonipat.

The learned counsel for the petitioner has submitted that in the present case, the complainant got married with the petitioner out of her own will and voluntarily but thereafter, under the pressure of her mother, she had lodged the present false FIR by concocting a story. He has further submitted that the allegations, which have been contained in the FIR, are that the present FIR was lodged at the instance of his wife not only against the petitioner but also against her own real sister and brother-in-law (Jija) as well. As per the allegations, the sister and brother-in-law (Jija) of the

complainant forcibly got married the petitioner with her. The learned counsel has further submitted that thereafter, when the complainant-girl had gone to do *Phera*, which is customary ceremony, then the mother of the complainant had demanded some money from the petitioner and a discord took place between the two families. Thereafter, the present FIR was lodged on the next date i.e. on 15.07.2020. The learned counsel further referred to Annexure P-3, which are the photographs, which show that the girl-complainant and the petitioner are getting married voluntarily and also the mother of the petitioner and the complainant are also seen together voluntarily and petitioner also getting the blessings in photographs. He has further submitted that the petitioner is in custody since 01.09.2020 and the investigation of the case is already complete and the challan has already been presented on 25.11.2020 wherein, nothing is to be recovered from the petitioner as such and has therefore, prayed for the grant of bail to the petitioner.

On the other hand, the learned State counsel has submitted that it is correct that the investigation of the case is complete and the challan has been presented on 25.11.2020 but the report of FSL is still awaited. When controverted to the photographs in Annexure P-3, the learned State counsel could not justify with regard to the photographs in view of the fact that he has not received instructions with regard to the same. He has opposed the bail on the ground that the matter was pertaining to forcible marriage of the complainant-girl and therefore, he has opposed the grant of regular bail.

I have heard the learned counsel for the parties.

So far as the authenticity of the photographs in Annexure P-3 are concerned the same would be a subject matter of trial. But from the bare

perusal of the FIR, it would be seen that the basic allegations pertain to the sister and jija of the complainant-girl, wherein the allegation is that by way of a conspiracy forced marriage was performed.

The argument raised by the learned counsel for the petitioner that the reading of the FIR would show that the story given in the FIR is fully concocted does carry some weight, at this stage. So far as the non-receipt of the FSL report is concerned, the same would not be of much significance, at this stage because according to the learned counsel for the petitioner, the parties had married willingly and voluntarily. It has also come on record that the investigation of the case is already complete and the challan has already been presented and no recovery is to be made from any of the accused. Furthermore, it is not a case of the State that in case the petitioner is released on bail, he may influence any of the witnesses or may tamper with any evidence.

Therefore, considering the totality of the facts and circumstances of the present case, I deem it fit and proper to admit the petitioner on bail. Consequently, the present petition is allowed. The petitioner shall be admitted to regular bail on his furnishing bail/surety bonds subject to the satisfaction of the learned trial Court/Duty Magistrate.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

(JASGURPREET SINGH PURI)
JUDGE

21.01.2021
adhikari

Whether speaking/non-speaking	:	Yes/No
Whether reportable	:	Yes/No