

CRM-M-39292-2020

Date of Decision:29.01.2021

KarambirPetitioner
Vs.
State of HaryanaRespondent

2. CRM-M-39010-2020

KarambirPetitioner
Vs.
State of Haryana and othersRespondents

3. CRM-M-2687-2021

KavitaPetitioner
Vs.
State of HaryanaRespondent

CORAM : HON'BLE MR.JUSTICE AMOL RATTAN SINGH

Present: Mr. S.K.Verma, Advocate,
for the petitioner in CRM-M-39292-2020 &
CRM-M-39010-2020

Mr. Priyavrat Parashar, Advocate
for the petitioner in CRM-M-2687-2021.

Mr. Surender Singh, AAG, Haryana.

AMOL RATTAN SINGH, J. (Oral)

Case heard by video conference.

CRM-M-39292-2020

By this petition, the petitioner seeks the concession of 'pre-arrest bail', upon FIR no.0110, dated 10.11.2020, having been registered at Police Station Women, District Jind, alleging therein the commission of an offence punishable under Section 376(2) of the IPC.

A status report by way an affidavit of DSP, Headquarters, Jind, dated 29.12.2020, has been filed in the present case, from which learned State counsel points out that as per investigation carried out so far, the petitioner

cannot be held to be innocent in the matter; however, as regards custodial interrogation, as per his instructions from ASI Rajesh Kumari, the petitioners' medical examination also having been conducted, he is not required for such custodial interrogation at this stage.

That being so, without making any comment on the actual merits of the case, this petition has actually been rendered infructuous and is disposed of as such.

However, if the petitioners' custodial interrogation is required at any stage hereinafter, in the context of the FIR in question, he would be given 10 days notice before arrest, duly shown to be served upon him.

Naturally, if the complainant is aggrieved in any manner, of lack of proper investigation, she would be always at liberty to avail of her remedy as per law.

CRM-M-39010-2020

By this petition, the petitioner seeks quashing of FIR No.0110, dated 10.11.2020, registered at Police Station Women, District Jind, alleging therein the commission of an offence punishable under Section 376(2) of the IPC.

After arguing for some time learned counsel for the petitioner does press this petition.

Dismissed as withdrawn.

CRM-M-2687-2021

By this petition, the petitioner herein seeks the concession of 'regular bail' under the provisions of Section 439 Cr.P.C., upon FIR No.422, dated 21.10.2020, having been registered at Police Station Civil Lines, Jind, alleging therein the commission of offences punishable under Sections 342,

384 and 506 of the IPC.

Learned counsel for the petitioner, Kavita, submits that the story given by the complainant, Karambir (i.e. the petitioner in CRM-M-39292-2020), to the effect that the allegation of rape against him is only a counter blast to FIR no.422 registered at his instance, is a wholly false allegation because the aforesaid complainant (Karambir) is habitual of taking advantage of women.

He submits that the petitioner in any case now having been in custody for the past more than 3 months, with no other criminal case registered against her and in fact the FIR registered against her being wholly false, registered at the instance of a person who has been accused of rape; and actually the police registered FIR no.110 dated 10.11.2020 against the aforementioned Karambir after a delay of 17 days, with Karambirs' complaint in the present FIR having been registered in the meanwhile, she deserves to be admitted to bail.

He further submits that the petitioner in the present case, as also the complainant in FIR no. 110 dated 10.11.2020 (registered against Karambir), are women doing household work either in the house or in the neighbourhood of the aforesaid Karambir, and have been exploited by him, with the present FIR, i.e. no.422, having been registered only because the complainant in the rape case started asking him to marry her.

Without making any comment whatsoever on the correctness, or otherwise, of those contentions raised, upon query to learned State counsel, he, on instructions from ASI Chander Singh, does not deny that there is no other criminal case registered against the petitioner and that she has been in custody

for more than 3 months and in fact the report under Section 173 Cr.P.C., *qua* the petitioner, has been already submitted to the competent court.

Consequently, again without making any comment whatsoever on the aforesaid contentions raised, or on the merits of the case in any manner, the petition is allowed and the petitioner is ordered to be admitted to bail, upon her furnishing adequate bail and surety bonds to the satisfaction of the trial court/CJM/Duty Magistrate concerned.

A photocopy of this order be placed on the files of the other connected cases.

January 29, 2021

dharamvir/

**(AMOL RATTAN SINGH)
JUDGE**

Whether speaking/reasoned : YES/NO

Whether Reportable : YES/NO