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

**CRM-M No.20629 of 2021
Date of Decision: 27.05.2021**

SANDEEP KUMAR

.....Petitioner

Vs

UNION TERRITORY CHANDIGARH

.....Respondent

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

Present: Mr. Shashank Vardaan Sharma, Advocate
for the petitioner.

Mr. Rajiv Vij, APP UT, Chandigarh.

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.8 dated 28.01.2021, registered under Sections 323, 498-A, 354, 354-A, 377, 506, 34 IPC at PS Women Police Station, Chandigarh.

FIR has been registered with the allegations that the complainant was married with the petitioner on 28.09.2017 at Yamuna Nagar according to Hindu rites and ceremonies.

According to the complainant, huge amount was spent on her marriage. Accused No.4 is brother-in-law of the complainant. The allegations are that he used to molest the complainant. The objections raised by the complainant was not properly met by other family members.

Learned counsel for the petitioner submitted that the FIR is the result of matrimonial dispute. The first complaint was made by the complainant on 06.03.2019 before the Sr. Superintendent of Police, Yamuna Nagar which was duly inquired by the Police. The complainant did not make any statement in the police investigation rather informed the Police on telephone that she wants divorce from her husband by way of Court and her complaint be closed. Complainant and her mother did not get any statement recorded rather repeated that the complainant wants divorce from her husband. Thereafter second complaint was made at Panipat with similar allegations except the allegation under Section 377 IPC.

Learned counsel further submitted that all other accused have been granted regular bail except the mother-in-law whose arrest has been stayed by the High Court in CRM-M No.9692 of 2021. Petitioner is in custody since 04.03.2021. The offences are triable by the Magistrate. Challan has already been presented but charges have not been framed so far.

The factual position of the case could not be disputed by learned State counsel. However, he opposed the bail on the ground that the allegations are serious. Even at Panipat zero FIR was registered and keeping in view the allegations on record, the petitioner is not entitled for regular bail.

Having heard learned counsel for the parties, I find that the first complaint filed at Yamuna Nagar already stood consigned by the Police at Yamuna Nagar. The second complaint on the same allegations with addition of accusation under Section 377 IPC has resulted in lodging of present FIR. Other accused i.e. brother of the petitioner, father of the petitioner are on regular bail. Mother of the petitioner is on interim anticipatory bail. Petitioner is in custody since 04.03.2021. Offences are triable by the Magistrate.

Looking to the aforesaid facts and in view of the situation arising out due to COVID-19 pandemic and without adverting to the merits of the case, 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.

May 27, 2021	(RAJ MOHAN SINGH)
<i>Atik</i>	JUDGE
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No