

217 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
(through video conferencing)

CRM-M-32659-2020
Decided on : 02.09.2021

Balga Nand & ors.

..... Petitioners

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Pratham Sethi, Advocate
for the petitioners.

Ms. Tanushree Gupta, DAG, Haryana.

Mr. Arshdeep Cheema, Advocate for the complainant.

Manjari Nehru Kaul, J.

The present petition has been filed under Section 438 Cr.P.C., for grant of anticipatory bail to the petitioners in case FIR No.82 dated 28.09.2020 under Sections 34, 354-B, 376(2)(n), 377, 406, 498-A and 506 IPC 1860 registered at Police Station Women District Sonipat.

Learned counsel for the petitioners states that the petitioners, who are father-in-law, married sister-in-law and her husband respectively have since joined the investigation in compliance of order dated 14.10.2020, which was passed in the following terms:

“Learned counsel for the petitioners inter-alia contends that the petitioners have been falsely implicated in the case on account of a bitter matrimonial discord between the complainant and her husband who is the son of petitioner No.1, brother of petitioner No.2 and brother-in-law of petitioner No.3; the allegations in the FIR with regard to committing of rape on the complainant by petitioner No.1 on 15.12.2019 are highly belated and apparently false in the light of medical evidence placed on the record as per which petitioner No.1, a 59 years old person, underwent heart bypass surgery on 15.12.2019 and was discharged on 17.12.2019; petitioner no.2 has been sought to be roped in only because she is the married sister of the complainant's husband and that too on the basis of

vague allegations; petitioner No.3 has also been alleged to have molested the complainant without there being any evidence to support of such allegations and that the FIR has been lodged after an unexplained delay of the alleged incidents for mala fide reasons as in the interregnum the complainant's husband had filed a divorce petition seeking therein divorce from the complainant.”

Learned State counsel does not dispute the said fact. She on instructions from Insp. Parmilla states that the offences under Section 376 (2)(n) and 377 IPC stand deleted during investigation.

Learned counsel for the complainant submits that the recovery of some gold ornaments have not yet been effected from the possession of the petitioners.

The said submission is disputed by learned counsel for the petitioners, who submits that whatever articles were in the possession of the petitioners stand duly returned to the complainant.

Heard.

Demand and entrustment of dowry articles as alleged are disputed questions of fact which cannot be gone into by this Court at this stage and shall be considered when the parties adduce their respective evidence during trial.

In view of the above, the petition is allowed and interim order dated 14.10.2020, is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C.

(MANJARI NEHRU KAUL)
JUDGE

02.09.2021
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Whether speaking/reasoned:
Whether reportable :

Yes/No
Yes/No