

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-40934-2021

Date of Decision: October 11, 2021

Sonu Bhati

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM:- HON'BLE MR.JUSTICE RAJESH BHARDWAJ

Present: Mr.S.R.Hooda, Advocate
for the petitioner.

Mr.Apoorv Garg, DAG, Haryana.

Mr.Suvir Sidhu, Advocate for the complainant.

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RAJESH BHARDWAJ, J.

Matter has been taken up through video conferencing via Webex facility in the light of the Pandemic Covid-19 situation and as per instructions.

Present petition has been filed praying for grant of anticipatory bail in case FIR No.558, dated 07.09.2021, under Sections 323, 34, 354-A, 506, 376 IPC, registered at Police Station, Surajkund, Faridabad.

As per the facts of the case, the present FIR was registered on the statement of the complainant-Bharti, wherein it has been alleged that marriage of the complainant and her sister Pooja has been solemnised on 27.11.2015 with Sonu and Monu Bhatti. It was alleged that her husband and that of her sister Pooja's husband used to beat them on petty matters and used to taunt them. It was alleged that on 06.09.2021 at about 11.30 p.m.,

her husband Sonu Bhati and Pooja's husband Monu Bhatti while seating in a separate room were talking to each other. Thereafter, her husband and her sister Pooja's husband came in the room and switched off the air conditioner of their room and checked out the almirah. When both the sisters objected to the misconduct of the accused, then they were beaten and threatened to be killed. After beating them, the accused fled away. On the basis of the allegations, the FIR was registered. The petitioner and his brother Monu Bhatti preferred the petition under Section 438 Cr.P.C. praying for grant of anticipatory bail before the learned Additional Sessions Judge, Faridabad. After hearing, the learned Additional Sessions Judge, Faridabad, declined the same vide its order dated 15.09.2021. Aggrieved by the same, the present petition has been filed.

Learned counsel for the petitioner has argued that the petitioner is falsely implicated in this FIR. He submits that the complainant and her sister are real sisters and their husbands are also real brothers. He submitted that the allegations in the FIR are totally motivated and no offence, as alleged, has been committed by the petitioner. He submits that in view of the allegations made, no offence under Section 376 IPC is made out. He further submits that the co-accused Monu Bhati has been granted the concession of anticipatory bail by this Court vide order 27.09.2021 and hence, the petitioner should be enlarged on bail.

Learned counsel for the complainant has vehemently opposed the submissions made by the counsel for the petitioner and has vehemently submitted that the investigation in the case is under progress. He would submit that the statement of Pooja, i.e. wife of Monu Bhatti was recorded

waist and started pressing her breast. It was also alleged that he put his finger inside her body due to which she suffered much pain. He would submit that in view of all the provisions of Section 375(b) IPC, the offence of rape is categorically made out against the petitioner and hence, he deserves no concession of bail.

Mr.Apoorv Garg, Deputy Advocate General, Haryana, has also opposed the submissions made by the petitioner and endorsed the submissions made by counsel for the complainant. He would submit that the allegations against the petitioner are serious in nature. Investigation is under progress and hence for a thorough investigation, custodial interrogation of the petitioner is required.

I have heard learned counsel for the parties and perused the record.

In view of the allegations made in the FIR and the statement recorded thereafter, the allegations against the petitioner are serious in nature. For unraveling the truth in the allegations, thorough investigation is required. Weighing the allegations on the anvil of the conditions enumerated in Section 438(1) Cr.P.C., the present case does not qualify for the same. There is every likelihood of scuttling the investigation in case of releasing the petitioner on anticipatory bail.

In the overall facts and circumstances, the Court finds no merit in the present petition and the same is, hereby, dismissed.

(RAJESH BHARDWAJ)
JUDGE

October 11, 2021

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1. Whether speaking/reasoned ?
2. Whether Reportable ?

Yes/No

Yes/No