

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

227

CRM-M-4695-2022 (O&M)
Date of decision: 05.04.2022

Rishab

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Vineet Kumar Sharma, Advocate
for the petitioner.

Ms. Deepshikha Chauhan, AAG, Haryana
for the respondent.

Mr. Tanvir S. Grewal, Advocate with
Mr. Amtoj S.Saran, Advocate
for the complainant-proposed respondent No.2.

SUVIR SEHGAL J. (ORAL)

CRM-4455-2022

Prayer in the application filed on behalf of applicant-proposed
respondent No.2 is for impleading the complainant as respondent No.2,
being a necessary party to the petition.

Application is allowed as prayed for.

Complainant is ordered to be impleaded as respondent No.2.

Amended memo of parties is taken on record.

CRM-4456-2022

Application is allowed as prayed for.

Photographs and medical record are taken on record as

Annexures A1 and A2 respectively, subject to all just exceptions.

Main case.

Vide the instant petition filed under Section 439 of the Code of Criminal Procedure, 1973 (for short “the Code”), the petitioner seeks grant of regular bail in case FIR No.145, dated 05.12.2021, registered for offences under Sections 307, 323, 34, 406, 498-A, 506 of Indian Penal Code, 1860, (for short 'IPC') (Section 201, IPC has been added later on) at Women Police Station, Kaithal, Annexure P-1.

Version of the prosecution is that FIR Annexure P-1 has been registered on the complaint of a 22 year old housewife on the allegation that her marriage was solemnized with Rishab, present petitioner, on 25.11.2020. Despite the fact that her parents had given a large number of dowry articles that included cash, Bullet motorcycle, gold ornaments and gifts to her husband, in-laws and sister-in-law, but they were not satisfied. Barely one month after the marriage, they started insisting that the complainant should bring a Creta car from her parents, who told them that it was beyond their financial capacity, which agitated her husband who along with her in-laws physically assaulted her. She tolerated the inhuman treatment in the hope that things will work out. But she was turned out of the matrimonial home in August, 2021. On the intervention of the Panchayat and other respectables, she was rehabilitated and the accused assured that they will not ill-treat her. On 02.12.2021, trouble again started and her husband physically assaulted her. While he tried to strangle her, her mother-in-law and sister-in-law overpowered her and her father-in-law poured hot liquid in her mouth after which she became unconscious. When she gained consciousness, she found that her family members had arrived who took her to a Government Hospital where she

was treated.

Counsel for the petitioner has argued that the petitioner is innocent and rather it is the complainant who did not adjust in her matrimonial home as she wanted to live separately from her in-laws. She left the matrimonial home on 01.08.2021 and returned on the intervention of the Panchayat. It is his argument that the offence under Section 307 of IPC has been added only to give it a colour of a grave offence without there being any incriminating material in the possession of the prosecution.

Petition has been opposed by the State counsel, who is assisted by the counsel for the complainant. Reference has been made to the investigation report as well as on the photographs Annexure A1 and the medical summary, Annexure A-2.

I have considered the arguments addressed by counsel for the parties.

Although, counsel for the petitioner has urged that the complainant was a quarrelsome lady who did not adjust in the matrimonial home, but this is not the stage to go into the allegations and counter allegations levelled by the parties against each other, which will remain subject matter to be gone into by the trial Court. Suffice, for the purposes of the instant bail, is to notice the injuries allegedly sustained by the complainant, as are apparent from a perusal of the MLR, Annexure A-2, which are reproduced hereunder:-

Sr no.	Injuries	Marked	Injury number
1	ABRASION SIZE 2*0.5CM PRESENT AT LEFT LOWER LEG, CLOTTED	No	1

	BLOOD AROUND IT		
2	C/O NECK PAIN AND DIFFICULT IN SWALLOWING O/E NO EXTERNAL INJURY MARK SEEN ADV NCCT NECK, ENT OPINION	No	2

Particulars of Total Body Injuries marked on above image		
Sr No.	Injury Details	Injury Number
2	In continuation of injury No.2, dark red bruise of size approximately 15X1.5 CM present around the neck anteriorly that appeared during course of treatment. Adv. Surgeon/ENT opinion Pt. C/o abdominal pain during treatment	2 KUO Blunt
	2 abrasions of size 30X1CM and 30X1CM dark red in colour present at upper abdominal region which are 1 CM apart from each other Adv. Surgeon/ENT opinion	3 Do

As per the opinion given by the doctors, injury No.2 has been declared to be grievous and the photographs as well as the MLR shows that the complainant has strangulation marks on her neck, besides, injuries on her limbs and upper abdominal region. Medical examination of the complainant has been conducted on 04.12.2021 and as per the allegations in the FIR, the incident alleged took place two days earlier. The medical report supports the allegations levelled by the complainant in the FIR.

Keeping in view the totality of the facts and circumstances, the nature of allegations levelled, injuries suffered by the complainant the gravity of offence allegedly committed by the petitioner, who is the husband of the complainant, this Court is of the view that this is not the stage for grant of concession of bail to the petitioner.

Finding no merit in the petition, it is hereby dismissed.

It is clarified that nothing said hereinabove shall be construed to be an expression of opinion on the merits of the case or the defense of the petitioner.

05.04.2022

(SUVIR SEHGAL)

JUDGE

pooja saini

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No