

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

211

CRM-M-4779 of 2022
Date of decision:10.02.2022

Narender

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Rakesh Nehra, Senior Advocate with
Mr. Reetesh Kumar, Advocate
for the petitioner.

Ms. Deepshikha Chauhan, AAG, Haryana.

SUVIR SEHGAL, J. (Oral)

Heard through video conferencing.

This is the second petition filed under Section 439 Cr.P.C seeking grant of regular bail to the petitioner in case FIR No.602 dated 29.08.2021 registered under Sections 498-A, 406, 420, 506, 377, 511 and 34 of Indian Penal Code, 1860 at Police Station City Rohtak, District Rohtak.

Criminal law has been set in motion on the basis of a complaint submitted by Preeti @ Bholi on the allegations that she has been ill-treated and harassed by her husband and in-laws on account of non-fulfillment of demand of dowry. Allegation has also been levelled that the petitioner neither disclosed his first marriage nor his real age at the time of marriage and he attempted unnatural sex with the complaint.

Learned senior counsel submits that this was the second

marriage of the petitioner, who was working as Rifle Man in Assam Rifles in Commando Unit and the reason for bickering and marriage falling apart within a few days is because the complainant wanted to live with the petitioner at his place of posting, whereas, he was posted at a non-family station. He contends that first complaint levelling allegations against him and his family was submitted on 27.05.2021, second complaint was submitted on 02.06.2021, both of which were compromised and third complaint was submitted after the petitioner left for his station of posting, which resulted into registration of FIR. Counsel has submitted that allegations levelled in the complaint are absolutely false, which is apparent from the fact when the complainant was taken for her medical examination, she refused the same. Furthermore, he submits that after investigation, it was found that parents of the petitioner (in-laws of the complainant) are innocent, challan has been presented and charge has been framed against the petitioner alone. He submits that first petition (CRM-M-46953 of 2021) seeking grant of regular bail filed by the petitioner was withdrawn by moving an application and thereafter, the petitioner unsuccessfully approached the Sessions Court. He submits that the petitioner, who is in custody since 18.10.2021 deserved to be released on bail as he is no longer required for custodial interrogation.

Per contra, upon instructions from L/ASI Neelam, State counsel has opposed the petition and submitted that the petitioner had deliberately concealed the first marriage from the complainant and the complainant underwent continuous harassment and ill-treatment at the hands of the

petitioner. She submits that the petitioner is also accused of having attempted unnatural sex with the complainant. Still further, she submits that the petitioner was named as an accused in two other criminal cases, but she could not deny that he earned acquittal as per instructions received by her.

Having considered the circumstances of the case and the fact that the gamut of allegations levelled against the petitioner are primarily because of marital discord and the trial is yet to start, this Court is of the view that the petitioner who has been in custody for more than 03 months, deserves to be enlarged on bail during the pendency of the trial.

Without delving into the merits or demerits of the arguments addressed by counsel for the parties, the petition is allowed and the petitioner is ordered to be released on bail on furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

It is clarified that any observation made hereinabove shall not be construed to be an expression of opinion on the merit of the case.

February 10, 2022
savita

(SUVIR SEHGAL)
JUDGE

<i>Whether Speaking/Reasoned</i>	<i>Yes</i>
<i>Whether Reportable</i>	<i>Yes</i>