

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

(217)

CRM-M-6602-2022 (O&M)
Date of Decision:-31.05.2022.

Paras Chopra

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Prateek Gupta, Advocate for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

Mr. Gurmandeep Singh Sullar, Advocate for the complainant.

RAJESH BHARDWAJ, J. (Oral)

Prayer in the present petition is for grant of regular bail to the petitioner in FIR No.0091 dated 17.08.2021 under Sections 313, 377, 498-A, 406, 506, 509 and 34 of IPC, registered at Women Police Station, Gurgaon.

The adumbrated facts of the case are that the complainant lodged FIR primarily on the allegation that she was married with the petitioner on 28.01.2016. Her marriage was performed with pomp and show. Sufficient dowry was given by her parents in the marriage. However, after the marriage her husband and inlaws started harassing her on account of demand of dowry. She used to be taunted and abused by her husband. It was also alleged that her husband used to take drugs and she was subjected to sexual abuse and she was also subjected to unnatural sex by her husband. Though she kept on tolerating the atrocities committed by her husband and inlaws, however, when the same went intolerable, she lodged FIR to take legal action against the

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petitioner and his relatives. On the commencement of the investigation, the petitioner was arrested on 13.01.2022. He approached the Court of learned Additional Sessions Judge, Gurugram praying for the grant of bail, however, the same was declined by the learned Additional Sessions Judge, Gurugram vide his order dated 01.02.2022. Aggrieved by the same, the petitioner is before this Court for grant of regular bail.

It has been contended by the counsel for the petitioner that the petitioner has been falsely and frivolously implicated by the complainant in this case. He submits that the differences between the husband and wife were due to temperamental differences and not as alleged. He submits that the exaggeration of the allegations are evident from the fact that the allegations were made qua abortion and unnatural sex. However, during the course of investigation both the offences under Sections 313 and 377 of IPC were deleted. He submits that the investigation already stands completed and the petitioner is now facing offences for the matrimonial discord primarily under Section 498-A of IPC. He submits that the petitioner has no criminal antecedents, however, one case bearing FIR No.919 dated 17.06.2017 was registered against the petitioner under Section 379-A of IPC at Police Station City, Jagadhri, in which he has been acquitted. Hence, the petitioner deserves the concession of bail.

Learned counsel for the complainant on the other hand, has opposed the petition for grant of bail and submitted that there are specific allegations of cruelty and harassment against the petitioner and he deserves no leniency.

Learned State counsel submits that the investigation already stands completed and Sections 313 and 377 of IPC are deleted. However, he

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submitted that there are specific allegations of harassment and cruelty against the petitioner and challan has been presented for the same.

I have heard the learned counsel for the parties and gone through the record.

Admittedly, the offence under Sections 313 and 377 of IPC are no more part of the challan. The dispute is primarily a matrimonial discord. The investigation already stands completed. There is nothing on the record to show that the petitioner has criminal antecedents except one case bearing FIR No.919 dated 17.06.2017, in which he has already been acquitted.

The veracity of the allegations and counter-allegations would be assessed only after the conclusion of the trial and on the appreciation of the complete evidence adduced by both the sides. The trial of the case will take sufficient long time and no useful purpose will be served by keeping the petitioner in custody for such a long time. Without commenting anything on the merits of the case, this Court is convinced that the counsel for the petitioner succeeds in making out a case for grant of regular bail.

Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

Nothing said herein shall be treated as an expression of opinion on the merits of the case.

(RAJESH BHARDWAJ)
JUDGE

May 31, 2022.

sandeep

Whether speaking/reasoned:-

Yes/No

Whether Reportable:-

Yes/No