

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

CRM-M-14994-2022

Date of decision : 25.07.2022

Santosh

.....Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Pankaj Bali, Advocate
for the petitioner.

Mr. Kirpal Singh Thakur, AAG, Haryana.

RAJESH BHARDWAJ, J. (Oral)

Prayer in the present petition is for grant of regular bail to the petitioner in case FIR No.19 dated 14.02.2022, under Sections 498-A, 406, 506, 323, 328, 341, 376(D), 376(2)(n)/34 of IPC (as per police reply, the petitioner has been arrested under Sections 498-A, 406, 506, 323, 34 of IPC) registered at Police Station Women, Jind.

As per the factual matrix of the case, the present FIR was lodged by complainant-Asha wherein it was alleged that she got married with Jitender on 17.01.2020. She alleged that as her father died, her mother solemnized second marriage and thus, she was brought up by her grand-mother. It was alleged that her marriage was solemnized by her elder sister Jyoti. After the marriage, her in-laws and husband started harassing her time and again and compelled to bring Rs.10.00 lacs by selling the land of her sister. As she was unable to meet the demand of the in-laws, she was beaten time and again. Her mother-in-law gave her beating when she was pregnant. She was kicked by her husband. On the instigation of her in-laws, she was raped by one tantrik namely, Sombir @

Kalu and another 5-6 boys. As the atrocities were unbearable, the complaint was made to the police with the request to take legal action against the culprits. On the basis of complaint, FIR was lodged and investigation commenced. The petitioner was arrested on 21st March, 2022. He approached the Court of learned Additional Sessions Judge, Jind praying for grant of bail, however, after hearing counsel for the parties, learned Additional Sessions Judge declined the same vide order dated 28th March, 2022. Aggrieved by the same, the petitioner is before this Court praying for grant regular bail.

Learned counsel for the petitioner has contended that the petitioner is the mother-in-law of the complainant and has been falsely implicated in this case. He submits that there was no reason for the petitioner for demanding Rs.10.00 lacs as alleged in the FIR. He submits that from the reading of the allegations in the FIR, at the most, the allegations against the petitioner pertains to the offence under Section 498-A IPC. He has submitted that the similarly situated co-accused i.e. father-in-law, husband of the complainant were granted bail by the learned Additional Sessions Judge. He submits that the case of the petitioner cannot be distinguished from the co-accused who are already granted bail. He submits that the investigation is complete and the challan is also presented whereas, the main accused Sombir @ Kalu is already behind bars. He submits that the petitioner has no criminal antecedents and thus, she deserves to be granted bail.

Learned State counsel, on the other hand, has submitted that there are allegations of cruelty and harassment against the petitioner. However, he candidly acknowledges that similarly situated co-accused

have already been enlarged on bail. He submits that the investigation is complete, challan is presented, charges are also framed and now the case is fixed for examination of the witnesses. He submits that as per the information available, there is no other case against the petitioner.

I have heard counsel for the parties and perusing the record.

Petitioner is behind bars since 21.03.2022. The petitioner is mother-in-law of the complainant. The co-accused against whom there are similar allegations were already on bail. Learned State counsel has also submitted that as per the allegations, the case of the petitioner cannot be distinguished from that of the co-accused who are already on bail. There is nothing on record to show that the petitioner has any criminal antecedents. Investigation is complete. Charges are framed.

The veracity of the allegations would be assessed by the trial Court after conclusion of the trial. 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. However, confining to the prayer made for the grant of bail, 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 her 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.

25.07.2022
m. sharma

(**RAJESH BHARDWAJ**)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No