

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

213+116-2

CRM-M No.14814 of 2022 (O & M)
Date of decision:12.10.2022

Ashok

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Akashdeep Singh, Advocate for the petitioner.

Ms. Mahima Yashpal, DAG, Haryana.

Mr. Parveen Sharma, Advocate for the complainant.

SUVIR SEHGAL J. (ORAL)

CRM-38422-2022

Application is allowed as prayed for.

Annexures A-1 to A-3 are taken on record.

Main Case

This is the first petition filed by the petitioner under Section 439 of the Code of Criminal Procedure, 1973, for grant of regular bail in case FIR No.515 dated 25.11.2021, registered under Sections 406, 498-A, 506, 354-A and 34 of IPC, 1860, however, Sections 354-A, 376 of IPC were deleted and Sections 27 and 30 of the Arms Act, 1959 were added later on, at Police Station Sadar Rohtak, District Rohtak, Annexure P-3.

Counsel for the petitioner submits that petitioner is the father-in-law of complainant/respondent No.2. He submits that due to a marital discord between petitioner's son and complainant, FIR, Annexure P-3, has been registered. He submits that although there are serious allegations against the petitioner, but they are out and out false and the matrimonial dispute has been settled with the intervention of respectables by way of a *panchayati* compromise. By referring to Annexures A-1 to A-3, counsel submits that in terms of the compromise, petition seeking divorce by mutual consent has been instituted, first motion has been recorded and the entire permanent alimony of Rs.38 lac has been paid. He submits that the petitioner, who is a middle aged man and is in custody since 06.02.2022, deserves to be enlarged on bail.

Per Contra, State counsel, upon instructions from L/ASI Rekha, has opposed the petition. She submits that the petitioner has been accused of sexually assaulting his daughter-in-law and on conclusion of investigation, *challan* has been presented and charge has been framed against him, though no prosecution witness has been examined.

Counsel for the complainant, however, submits that the matrimonial dispute has been compromised and he does not have any objection, in case the petitioner is released on bail.

Having considered the submissions made by counsel for the parties, this Court is *prima facie* of the view that FIR, Annexure P-3, apparently seems to be a result of bitterness and acrimony between the estranged couple, which has been amicably settled. The complicity of the petitioner in the alleged crime would remain a subject matter of debate

before the trial court and in the opinion of this Court, the petitioner would be entitled to be enlarged on bail during the pendency of the trial keeping in view the developments, which have taken place subsequent to the registration of the criminal case.

Without adverting to the merits or de-merits of the arguments addressed by counsel for the parties, petition is allowed. Petitioner is ordered to be enlarged 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 merits of the case.

12.10.2022

sheetal

(SUVIR SEHGAL)
JUDGE

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