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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-16836-2022
Decided on : 29.04.2022

Rajbir

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

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

Mr. Rohit Arya, DAG, Haryana.

Manjari Nehru Kaul, J.(Oral)

This is the second petition filed under Section 439 Cr.PC for grant of regular bail to the petitioner in case FIR No.73 dated 15.06.2021 under Sections 323, 376(2)(n), 376(f), 354, 506 IPC registered at Police Station Women, Jind.

Learned counsel for the petitioner *inter alia* contends that a false and fabricated has been foisted upon the petitioner by the prosecutrix, who is none other than his daughter-in-law. Learned counsel submits that it is on account of strained relations between the prosecutrix and the son of the petitioner, the case in question was registered on the allegations that the petitioner had been trying to molest and establish illicit relations with her. He further submits that the inordinate delay of almost 2½ months in lodging of the FIR and no specific date and time of incident having been mentioned therein made it evident that a false case had been foisted upon the petitioner.

Learned counsel further submits that there were glaring discrepancies in the statement of the prosecutrix, which further created a serious dent in the case of the prosecution.

Per contra, learned State counsel has vehemently opposed the prayer and submissions made by counsel opposite. Learned State counsel submits that in fact the prosecutrix was being sexually harassed by the petitioner, who was none other than her father-in-law. Panchayat too was convened on 06.03.2021 prior to the registration of the FIR in question and the petitioner had assured that he would not repeat his acts. Learned State counsel submits that in her statement recorded under Section 164 Cr.PC, the prosecutrix had categorically levelled allegations of sexual harassment, which were duly corroborated by her while deposing during trial. He further submits that the trial is going on at a fast pace and will not take much time to conclude.

Heard learned counsel and perused the relevant material available on record.

A great deal of stress was laid by the learned counsel for the petitioner that a false case had been planted upon him on account of the strained relations between the prosecutrix and her husband i.e. son of the petitioner. It is only during trial when the evidence is adduced by both the parties, the veracity or otherwise of the prosecution version would be put to test.

Prima facie, there are serious allegations against the petitioner of indulging in inappropriate behaviour with his daughter-in-law i.e. prosecutrix. This Court is, therefore, not inclined to extend the concession

of bail to the petitioner.

Accordingly, the present petition stands dismissed. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

29.04.2022
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Whether speaking/reasoned:	Yes/No
Whether reportable :	Yes/No