

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

CRM-M-29830-2022

Date of decision : 19.07.2022

Vicky

....Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Nikhil Vats, 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.354 dated 21.08.2021, under Sections 328, 376, 452, 511 and 34 of IPC; Section 323 IPC added later on, registered at Police Station Sadar, District Rohtak.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case. He further submits that the present FIR is nothing but a result of a dispute between husband and the wife. He has submitted that as per the facts of the case, the wife of the petitioner lodged the FIR. It was alleged that on 19th August, 2021 when she was feeding the buffaloes then Bhola son of Ram Kumar came from behind and attempted to rape her. She could manage to get herself free from his clutches and rushed inside the house and she told about the incident to her mother-in-law, father-in-law and the husband i.e. the petitioner and Aunt. However, they snubbed her by asking her to keep mum as it was derogatory for the family honour. Thereafter, they gave her beating and administered her the poison. The complaint was made to the

police for registering the FIR and to take the legal action against the accused. On registration of the FIR, investigation commenced and the petitioner was arrested on 28th August, 2021. The petitioner approached the Court of learned Special Judge-cum-Additional Sessions Judge, Rohtak praying for grant of bail. However, after hearing counsel for the parties, the same was declined by the learned Special Judge-cum-Additional Sessions Judge, Rohtak vide order dated 13rd December, 2021. Aggrieved by the same, the petitioner is before this Court by way of present petition.

Learned counsel for the petitioner submits that the petitioner is the husband of the prosecutrix. He has submitted that on the face of it, the allegations are nothing but a cock and bull story. He submits that it was on account of exchange of heated words between husband and wife that the wife lodged the present FIR against the petitioner and other family members. He submits that during investigation, out of five accused, three accused were found innocent and the challan was presented only against the petitioner and Parveen. He submits that from the bare reading of the FIR, the offence as alleged could not be made out against the husband. He has further submitted that during investigation, both the husband and wife have also resolved their dispute. He submits that the investigation already stands completed and the charges have also been framed. He further submits that the petitioner has no criminal antecedents. Keeping in view the facts and circumstances of the case and the custody of the petitioner, petitioner be granted bail.

On the other hand, learned State counsel opposes the submissions made by counsel for the petitioner. He submits that there are

specific allegations against the petitioner. He submits that challan is presented and charges have been framed. He submits that so far examination of prosecution witnesses has not yet commenced by trial Court and hence the petitioner deserves no leniency.

Heard.

Admittedly, petitioner is the husband of the prosecutrix. The offence alleged are in the house of petitioner. The investigation is already complete. Charges have already been framed. Though the affidavit relied upon by the petitioner regarding compromise arrived between husband and wife cannot be appreciated at this stage, however, the Court cannot be oblivious of the fact that the relationship between the petitioner and the prosecutrix admittedly is of husband and wife. There is nothing on record to show that the petitioner has any criminal antecedents. Trial would take sufficient time in its conclusion.

Keeping in view the overall facts and circumstances of the case, the Court is of the opinion that learned counsel for the petitioner has been able to make out a case for grant of regular bail to the petitioner. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail 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.

19.07.2022
m. sharma

(**RAJESH BHARDWAJ**)
JUDGE

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