

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

CRM-M-32781-2022

Date of Decision: 12.12.2022

Parveen @ Bhola

..... 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, Asstt. Advocate General, 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.

As per facts of the case, the present case was lodged by the prosecutrix herself (name concealed). It was alleged that on 19th August, 2021 when she was feeding the buffaloes then petitioner i.e. 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 her husband 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 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 brother-in-law 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 prosecutrix and her husband that she 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 her husband i.e Vicky. He submits that co-accused Vicky i.e. the husband of the prosecutrix has already been granted bail by this Court vide order dated 19.07.2022. He has further submitted that during investigation, both the prosecutrix and her husband have also resolved their dispute. He further submits that the prosecutrix, who is Bhabhi of the petitioner, has been examined by the trial Court as PW-1 and she has not supported the case of the prosecution and she has been declared hostile. 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. However, he candidly acknowledges that the prosecutrix has been examined by the trial Court and

she has not supported the case of the prosecution and has been declared hostile.

Heard.

Admittedly, petitioner is the brother-in-law of the prosecutrix. He is behind bars since 28.08.2021. The prosecutrix has already been examined by the trial Court as PW-1, wherein, she has not supported the case of the prosecution and she has been declared hostile. Co-accused Vicky has already granted bail by this Court vide order dated 18.07.2022. 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.

12.12.2022

sharmila

Whether Speaking/Reasoned :
Whether Reportable :

(RAJESH BHARDWAJ)
JUDGE

Yes/No
Yes/No