

210 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-1115-2022
Date of Decision: 04.02.2022

Satyavir Alias Bhola Ram

... Petitioner

v/s

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Rohit Mittal, Advocate for the petitioner.

Mr. Ranvir Singh Arya, Addl. A.G. Haryana.

*(The case has been taken up through video conferencing on
account of Covid-19 pandemic)*

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VIVEK PURI, J. (ORAL)

Custody certificate has been placed on record.

Petitioner has prayed for grant of regular bail in case FIR No.
57 dated 10.08.2021, under Sections 323, 354-A, 376, 377, 406 and 498-A
IPC registered at Police Station Women, Narnaul, District Mohindergarh.

Briefly, the case has been registered on the basis of the
statement of the daughter-in-law of the petitioner alleging that her marriage
was solemnized with the son of the petitioner on 25.02.2020. There are
allegations with regard to harassment and maltreatment on account of
demand of dowry and outraging the modesty.

It has further been alleged that on 13.06.2020, the complainant
was in her room and other family members were not present in the house.
The petitioner entered the room and molested her. There are allegations
also with regard to the commission of rape.

Learned counsel for the petitioner has contended that the
present FIR is an outcome of the matrimonial dispute of the son and

daughter-in-law of the petitioner. The allegations of rape have been imputed against the petitioner and the same are dated 13.06.2020. However, the complainant remained silent for a period of more than one year and FIR has been registered only on 10.08.2021. Even there is no medical evidence to support the allegations of rape. Moreover, neither the complainant, nor her parental family members had reported the incident at any Forum, the co-accused have already been granted bail, investigation of the case is complete and challan has already been presented. The petitioner is in custody for a period of two months and 25 days and is not involved in any other case.

Learned State counsel, on instructions from ASI Susheela, has not assailed the aforesaid factual aspect but has opposed the bail application on the score that even the complainant has reiterated her version in the statement under Section 164 Cr.P.C.

The petitioner is the father-in-law of the complainant and there is a matrimonial dispute between the son and daughter-in-law of the petitioner. The FIR has been lodged after a period of more than one year from the date of occurrence with regard to outraging the modesty and commission of rape. The custodial interrogation of the petitioner is over. He has been remanded to judicial custody. The co-accused have been granted bail. The complainant was not medico-legally examined when the occurrence dated 13.06.2020 took place. The complainant displayed silence for a period of more than one year, the investigation of the case is complete, the challan has already been presented, and conclusion of trial is likely to take some time. As such, sufficient mitigating circumstances are made out to extend the concession of bail to the petitioner.

Therefore, without making any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

The petition is allowed.

04.02.2022

Janki

(VIVEK PURI)
JUDGE

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