

**IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH**

**CRM-M No. 11948 of 2023 (O&M)  
Date of Decision: 11.09.2023**

Sunil Kumar

...Petitioner

Versus

State of Haryana and another

...Respondents

**CORAM:    *HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA***

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Present:-    Mr. Parveen Kumar, Advocate  
                     for the petitioner.

                     Mr. Apoorv Garg, Sr. DAG, Haryana  
                     for respondent No.1-State.

                     Dr. Pankaj Nanhera, Advocate  
                     for respondent No.2.

**MEENAKSHI I. MEHTA, J.(Oral)**

The petitioner herein has sought the relief of anticipatory/pre-arrest bail in the criminal case arisen out of the FIR bearing No.17 dated 26.01.2023 registered at Police Station Siwan, District Kaithal, under Sections 323, 377, 406 and 498-A IPC.

2.                Shorn and short of unnecessary details, the allegations, levelled by respondent No.2-complainant (wife) against the petitioner (husband) in the subject FIR, are that he, along-with his family members, has been subjecting her (wife) to cruelty for bringing insufficient dowry and for demanding more dowry and also due to the non-fulfilment of the above-said demand and he also committed unnatural offence upon her.

3.            Learned State counsel has submitted the Status-Report on behalf of respondent No.1-State (by way of the affidavit of Deputy Superintendent of Police, Guhla), along-with Annexures R-1 and R-2 and the vernacular version of Annexure R-1, in the Court today and the same are taken on the record.

4.            I have heard learned counsel for the petitioner as well as learned State counsel and learned counsel for respondent No.2-complainant in the instant petition and have also gone through the file carefully.

5.            Learned counsel for the petitioner refers to Annexure P-3, i.e the copy of the application jointly moved by the petitioner and respondent No.2, mentioning therein that respondent No.2 had fallen down from the roof as her foot had slipped from there and he also points out that Annexures P-7 and P-8 are the copies of UPI transaction-slips and he contends that these documents do suffice to show that the fall of respondent No.2 from the roof was purely accidental and the petitioner had transferred the total amount of Rs.80,000/- in the bank account of her father, towards the expenses incurred on her treatment and thus, it is quite explicit that the allegations levelled by respondent No.2-wife against the petitioner in the FIR, are false and in these circumstances, the petitioner deserves the relief, as prayed for in the present petition.

6.            Per contra, learned State counsel and learned counsel for respondent No.2-complainant argue that besides other offences as detailed in the FIR, the petitioner had also committed the offence under Section 377 IPC, by subjecting respondent No.2 to the unnatural offence and moreover, in her Medico Legal Report Annexure R-2, the Doctor has opined that the possibility of 'Sodomy' could not be ruled out and in view of the nature of the crime committed by the petitioner, the instant petition be dismissed.

7. The afore-raised contentions qua the respondent-wife having accidentally fallen down from the roof of the house and regarding the petitioner having borne the expenses for her treatment, can and shall be looked into and adjudicated upon by the trial Court at the appropriate stage after appreciating and evaluating the evidence that may be led on the record during the course of the trial and these cannot be decided/determined at the stage of dealing with the present petition.

8. To add to it, respondent No.2 has levelled specific allegations in the FIR qua the petitioner having committed the unnatural offence (punishable under Section 377 IPC) upon her and has categorically reiterated the same in her statement Annexure R-1, as recorded under Section 164 Cr.P.C and even in her MLR (Annexure R-2), the doctor has opined that the possibility of the commission of Sodomy, i.e the said offence, cannot be ruled out.

9. Keeping in view the afore-discussed facts and circumstances as well as the gravity of the offence as alleged to have been committed by the petitioner, this Court is of the considered opinion that he (petitioner) does not deserve the concession of anticipatory/pre-arrest bail. Resultantly, the petition in hand, being *sans* any merit, stands dismissed.

September 11, 2023  
pooja

(MEENAKSHI I. MEHTA)  
JUDGE

*Whether speaking/reasoned:*      *Yes/No*  
*Whether Reportable:*              *Yes/No*