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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(204) CRM-M-33453-2022
Date of decision:- 25.04.2023

Rishab ... Petitioner
Versus
State of Haryana and another ... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Dr. (Mr.) Anmol Rattan Sidhu, Senior Advocate with
Mr. Pratham Sethi, Advocate for the petitioner.

Mr. Saurabh Mohunta, DAG, Haryaya for respondent No.1-State.

Mr. Sahil Gupta, Advocate for respondent No.2.

SUVIR SEHGAL, J. (ORAL)

1. This is the second petition filed under Section 439 of the Code of Criminal Procedure, 1973 seeking grant of post-arrest bail in:-

FIR No.	Dated	Police Station	Sections
0145	05.12.2021	PS Women (Kaithal), District Kaithal	307, 323, 34, 406, 498-A and 506, IPC, however, later on Sections 180 and 201, IPC were added

2. Case of the prosecution is that FIR, Annexure P-1, has been registered on the complaint of a twenty two year old housewife on the allegation that she was married to Rishab, present petitioner, in November, 2020. Despite giving sufficient dowry at the time of marriage, her husband and in-laws were not satisfied and they were regularly making more

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demands. She was turned out of the matrimonial home, but on the intervention of the Panchayat, she was rehabilitated. On 02.12.2021, she was physically assaulted and fainted. When she regained consciousness, she found that her family members had arrived and brought her to a government hospital for treatment.

3. Learned senior counsel for the petitioner urges that the matrimonial home of the petitioner was at Ambala and when her in-laws took her with them, a complaint dated 02.12.2021, Annexure P-8, was given in the local Police Station, wherein there is no allegation of any injury having been inflicted on her. He urges that the complainant was medically examined at Kaithal and the first MLR report shows that no external injury was seen on the person of the complainant. He submits that the allegations against the petitioner have been fabricated on the suggestion of a relative of the complainant, who is working in the police department. Counsel submits that besides the complainant, her father and a relative, namely, Amrik have been examined, after the previous bail petition was dismissed in April, 2022. It is his submission that as all vital witnesses have been examined, the petitioner, who is in custody since 31.12.2021, deserves to be enlarged on bail. He submits that besides the present criminal case, two other cases, which have been registered against the petitioner, have arisen out of the same matrimonial dispute.

4. *Per contra*, learned State counsel, who is assisted by counsel for the respondent No.2-complainant, have opposed the petition and have submitted that the petitioner is accused of a serious and grave offence. A specific reference has been made to the allegations levelled against the

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petitioner, which according to them, attract the offence under Section 307, IPC and have been supported by the complainant as well as other prosecution witnesses in their deposition. Upon instructions received from L/Inspector, Geeta, State counsel submits that out of sixteen prosecution witnesses, six have been examined and one witness has been given up.

5. I have considered the submissions made by counsel for the parties.

6. This Court is prima facie of the opinion that the culpability of the petitioner in the offence would remain a subject matter to be adjudicated by the Trial Court on the basis of evidence led before it and does not call for any comment from this Court. Petitioner, who is in incarceration for the last more than fifteen months, deserves to be enlarged on bail as there seems a remote possibility of an early conclusion of the trial.

7. Without adverting to the merits or demerits of the arguments addressed by counsel for the parties, petition is allowed. Petitioner is ordered to be released on bail on furnishing adequate bail/surety bonds to the satisfaction of the Area Magistrate/Duty Magistrate concerned.

8. It is clarified that nothing said hereinabove shall be construed to be an expression of opinion on the merits of the case.

(SUVIR SEHGAL)
JUDGE

25.04.2023
Kamal

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No