

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

CRM-M No.36881 of 2023

Date of Decision: 31.08.2023

Rajdeep

...Petitioner

Versus

State of Haryana

...Respondent

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

Present:- Mr. Amrinderjit Singh Sandhu, Advocate,
for the petitioner.

Mr. Amrik Singh Narwal, DAG, Haryana.

Mr. Navneet Singh, Advocate,
for the complainant.

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MEENAKSHI I. MEHTA, J.(ORAL)

The petitioner, above-named, seeks the relief of anticipatory/
pre-arrest bail in the criminal case arisen out of the FIR bearing No.0030
dated 21.05.2023 registered at Women Police Station, Kurukshetra, under
Sections 323, 376, 406, 498-A, 506, 509 & 511 IPC.

2. Bereft of unnecessary details, the allegations, levelled by the
complainant against the petitioner in the present case, are that he, along-
with his co-accused, subjected her (complainant) to cruelty for bringing
insufficient dowry and for demanding more dowry and due to the non-
fulfilment of the said demand and he also attempted to commit rape on her.

3. Learned State counsel has filed the Status-Report on behalf of
the respondent-State (by way of the affidavit of the Deputy Superintendent

of Police, Sadar, Kurukshetra), along-with Annexures R-I & R-II, in the Court today and these documents are taken on the record.

4. I have heard learned counsel for the petitioner as well as learned State counsel (assisted by learned counsel for the complainant), in this petition and have also perused the file carefully.

5. Learned counsel for the petitioner contends that in fact, the complainant is having matrimonial dispute with her husband, i.e the brother of the petitioner and due to this reason, the petitioner has been got falsely implicated in the instant case and the version, narrated by the complainant in the FIR, is not free from doubts because she hasn't even mentioned the date and time of the alleged occurrence and in these circumstances, the petitioner deserves the relief, as prayed for in the present petition.

6. Per-contra, learned State counsel argues that the petitioner has reiterated her allegations against the petitioner, in her statement as recorded under Section 164 Cr.P.C and keeping in view the nature of the offences committed by him, this petition be dismissed.

7. The afore-raised contentions regarding the false implication of the petitioner in the instant case due to the matrimonial dispute between the complainant and her husband and also qua the truthfulness and veracity of the allegations levelled by the complainant in the FIR, 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 ascertained or determined while deciding the present bail petition. Moreover, the complainant, in her

statement Annexure R-1, recorded under Section 164 Cr.P.C, has reiterated her above-mentioned allegations against the petitioner.

8. 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 relief of pre-arrest/anticipatory bail. Resultantly, the petition in hand stands dismissed accordingly.

31.08.2023*seema***(MEENAKSHI I. MEHTA)
JUDGE**

Whether speaking/reasoned: Yes
Whether Reportable: No