

**209 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M-38560-2023****Date of decision : 06.12.2023****Jitender****.....Petitioner****versus****State of Haryana****..... Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ***********Present :-** Mr. Pankaj Bali, Advocate
for the petitioner.Ms. Upasana Dhawan, AAG, Haryana assisted by
ASI Reena.*********RAJESH BHARDWAJ, J. (Oral)**

Petitioner has approached this Court by way of present second petition praying for grant of regular bail in case FIR No.19 dated 14.02.2022, under Sections 498-A, 406, 506, 323, 328, 341, 376(D), 376(2), (n)/34 IPC at Police Station Women, Jind.

As per the factual matrix of the case, the present FIR was lodged by complainant-Asha Rani wherein it was alleged that she got married with Jitender on 17.01.2020. She alleged that as her father died, her mother solemnized second marriage and thus, she was brought up by her grand-mother. It was alleged that her marriage was solemnized by her elder sister Jyoti. After the marriage, her in-laws and husband started harassing her time and again and compelled to bring Rs.10.00 lacs by selling the land of her sister. As she was unable to meet the demand of her in-laws, she was beaten time and again. Her mother-in-law gave her beating when she was pregnant. She was kicked by her husband. On the instigation of her in-laws, she was raped by one tantrik namely, Sombir @ Kalu and another 5-6 boys.

As the atrocities were unbearable, the complaint was made to the police with

the request to take legal action against the culprits. On the basis of complaint, FIR was lodged and investigation commenced. The petitioner was arrested on 21st March, 2022. He approached the Court of learned Additional Sessions Judge, Jind praying for grant of bail, however, after hearing counsel for the parties, learned Additional Sessions Judge declined the same vide order dated 25th August, 2022. Aggrieved by the same, the petitioner is before this Court praying for grant regular bail.

Learned counsel for the petitioner has contended that the petitioner is husband of the complainant/prosecutrix and has been falsely implicated in this case. He submits that there was no reason for the petitioner for demanding Rs.10.00 lacs as alleged in the FIR. He submits that from the reading of the allegations in the FIR, at the most, the allegations against the petitioner pertains to the offence under Section 498-A IPC. He has submitted that co-accused of the petitioner namely, Santosh (mother-in-law of complainant) and Sombir @ Kalu have been granted bail by this Court. He submits that the petitioner is liable to be treated at par with these co-accused and is entitled to be granted bail. He submits that the trial of the case will take sufficient long time to complete and no purpose will be served by keeping the accused in custody for such a long period. He submits that the petitioner deserves to be granted bail.

Learned State counsel, on the other hand, has submitted that there are allegations of cruelty and harassment against the petitioner. However, she candidly acknowledges that similarly situated co-accused have already been enlarged on bail. She submits that the trial is in progress and out of 17 prosecution witnesses, 06 witnesses have been examined. She submits that out of 04 accused, 03 accused are already on bail. She submits that as per the information available, though there were two other cases

against the petitioner, however, he is on bail in those cases.

I have heard counsel for the parties and perusing the record.

Petitioner is behind bars since 21.03.2022. Petitioner is husband of the complainant. As submitted by learned State counsel 03 co-accused of the petitioner have already been granted bail. She submits that out of 17 prosecution witnesses, only 06 witnesses have been examined so far. The trial of the case is likely to take sufficient time and no useful purpose will be served by keeping the petitioner in custody for such a long time.

The veracity of the allegations would be assessed by the trial Court after conclusion of the trial. However, confining to the prayer made for the grant of bail, this Court is convinced that the counsel for the petitioner succeeds in making out a case for grant of regular bail. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds 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.

06.12.2023
m. sharma

(RAJESH BHARDWAJ)
JUDGE

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