

CRM-M-2874-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-2874-2024

Date of decision:24.01.2024

Mahender

....Petitioner

V/s

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Rajesh Gupta, Advocate for the petitioner.
Ms. Priyanka Sadar, AAG Hayana.

SUMEET GOEL, J. (Oral)

1. Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.0055 dated 09.10.2023, registered for the offences punishable under Sections 323, 34, 354-C, 406, 498-A, 506 IPC and Sections 6, 12, 17 of POCSO Act (added later on) and Sections 9, 10 & 11 of Prohibition of Child Marriage Act, 2006 (added later on) & Section 75 of the Juvenile Justice (Care and Protection of Children) Act, 2015 (added later on) at Police Station Women Gohana, District Sonipat.

2. The case set up in the FIR in question is as follows:-

"To, S.H.O Sir, Police Station Women Gohana, District Sonipat. Subject:- Application against. 1. Virender son Rishi Ram (husband) 2. Rishiram s/o Surajbhan (father-in-law) 3. Rani w/o Rishiram (mother-in-law) 4. Muskaan d/o Rishi Ram (unmarried sister-in-law) 5. Kajal daughter Rishi Ram (unmarried sister-in-law) residents of Village Nayaat, Tehsil Gohana District Sonipat. 6. Reena wife of Ravi (sister-in-law) village Mandaur tehsil and district Sonipat. Complaint about demand of dowry, using abusive language, abuses, assault, mental and physical torture for dowry, attempts to kill and threats to kill. Sir, the applicant/complainant

prays as follows: 1. That the applicant Aanchal is wife of Virendra, daughter of Shri Mahendra Singh, resident of Aryanagar, Gohana tehsil, Gohana district, Sonipat, is a law- respecting woman. 2. That the marriage of the applicant was solemnized on 15.01.2023 with accused No. 1 Virender as per Hindu customs at Gohana, Sonipat. In my marriage, my parents went beyond their means and gave dowry as per the demand of the accused and dowry was handed over to all the accused and as per the demand of the accused, the marriage was solemnised with much pomp and show. Before the marriage, dowry was given as per the demand of the accused in which my family spent approx. Rs 7 lakh. 3. That shortly after my marriage, my in-laws started harassing and taunting me about bringing less dowry because all the accused are greedy type of people. The accused started taunting that what is your status, you have come from a lower status house and have brought very less and poor quality items in dowry and have ruined our image in the society, your family is not equal to our status. Your family did not even give us a motorcycle as dowry, then the accused started saying that we wanted a motorcycle in dowry. The accused started saying that they wanted a motorcycle as dowry. The accused always abused me for dowry. They used to abuse and beat me, my mother-in-law and sister-in-law used to say that we wanted gold earrings, my husband used to demand a gold chain and father-in-law a gold ring. 4. That my husband beaten me up just after seven days of my marriage because and said that you have not brought anything from your parents' home, for this he abused me and had beaten me with slaps and kicks. 5. That my in-laws started harassing me mentally and physically and my mother-in-law Rani and father-in-law Rishi Ram used to tell me to bring money from my home when I said that my parents are daily wage laborers and from there they cannot give you money. On which the accused started saying that if you want to live in this house then you will have to fulfill the demands of all of us otherwise if you want to live in this house then you will have to fulfill the demands of all of us, otherwise there is no place for you in this house. 6. That I have three sisters-in-laws, in which Reena is married and two sisters-in-law are unmarried. After two months of marriage, all the sisters-in-law started saying that you can never get pregnant because you are barren and your parents have tied barren-lady to us and my sisters-in-law started saying that you have made my brother's life hell. 7. That whenever I went to my in-laws' house to take a bath, my father-in-law looked at me through the hole in the bathroom door. When I told this to my mother-in-law and my husband, my mother-in-law and my

husband beaten me and kept me hungry and thirsty for the two days and threatened that if you tell this anywhere outside, they will kill me as soon as they get a chance because my father-in-law works with Rajni Birmani, who is the chairman of the municipality and has a lot of influence in the police and administration. 8. That on being harassed about all these things, I told my family about all these things, then they talked to my in-laws and my mother gave Rs 50,000 each to my husband and in-laws twice to save my married life and with folded hands requested them to keep her daughter properly. My husband, father-mother-in-law and sister-in-law assured that no such incident would happen in future nor would we ever demand dowry. 9. That everything was fine for a few days after giving the money, but after that, the behaviour of all the in-laws became the same as before and they started saying that I should bring Rs. 6,00,000/- from my house so that they can construct separate house for me and my husband. When I expressed my inability to do so, the accused immediately became enraged and beaten me up a lot and kept me locked in a room, hungry and thirsty. 10. That in this regard, I had given an application against the accused on 12.05.2023 in Police Station Women, Gohana, on which the accused accepted their mistake and assured that this will not happen in future, then I went back with my husband to matrimonial house to save my home. 11. That after a few days the attitude of the accused became the same as before and on 18.07.2023, my husband, mother-in-law, father-in-law, sister-in-law beaten me a lot and locked me in a room and after four days. Then I threw a paper slip by, writing my brother Dinesh's mobile number in the street from the window, then a woman present there called my brother and informed him that his sister had been beaten and locked in a room by her in-laws. On dated 22.07.2023 my brother and my mother reached my in-laws' house my in-laws beaten me, my mother and my brother. My husband hit my brother on the head with a hockey stick due to which my brother's head ruptured and my sister-in-law Reena bites my left hand and my two sisters-in-laws, mother-in-law and father-in-law beaten me and my mother mercilessly. We somehow saved our lives and reached Khanpur PGI, the personal of Khanpur PGI said that you should go to Gohana Civil Hospital and get your MLR done. After seeing the seriousness of injuries, the people of Gohana Civil Hospital referred us to PGI Khanpur, where we were treated. Copy of MLR is attached with the application. 12. That the accused have made my life difficult. All my jewellery and istridhan is in the illegal possession of the culprits. 13, That Rajni Birmani Chairman. Municipality Gohana is fully supporting the

accused in this entire episode due to which no legal action has been taken against the accused till date. 14. That I had been tolerating the misbehaviour and torture done by accused from the beginning with the intention of settling my house, I tolerated everything thinking that with time everything would be fine and the complainant being a Hindu woman and my house would be settled but day by day the behaviour of the accused became cruel towards me. 15. That the complainant is a follower of Hindu religion and belongs to a respectable family and the above accused, who are greedy people, have been treating the complainant with cruelty and abusing me for bringing less dowry. The accused threaten me that you cannot cause any harm to us because they are well-versed with top officials of police and politics and they and their family are not afraid of any police station or court. 16. That the complainant is in danger to her life and property because the harassment, torture and cruelty done by the accused is quite inhuman and immoral which is unbearable and intolerable. Therefore, it is requested that keeping the above facts in mind, a case should be registered against the above mentioned accused with immediate effect and strict legal action should be taken and justice should be provided to me and my family members should be provided security of life and property and my jewellery, money and istridhan be provided to me. It will be so kind of you. SD Anchal Place: Gohana Date: Complainant Anchal w/o Virender D/o Shri Mahendra Singh R/o Aryanagar Gohana Tehsil Gohana District Sonipat.”

3. Learned counsel for the petitioner has argued that the husband of the complainant namely Virender has been extended the concession of anticipatory bail; petitioner is a man aged about 52 years not keeping good health and there is no other FIR registered against the petitioner. No specific clear overt act has been attributed to the petitioner. Thus, no useful purpose would be served by keeping him behind the bars.

4. Learned State counsel has opposed the present petition arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of the regular bail. Learned State counsel seeks

to place on record custody certificate dated 23.01.2024 in Court, which is taken on record.

5. I have heard counsel for the parties and have gone through the available records of the case.

6. The investigation in the case is already complete and challan stands filed on 09.01.2024. Culpability of the petitioner *qua* offence under Section 6 of POCSO Act is a question which is required to be gone into during the course of trial. As per custody certificate dated 23.01.2024, the petitioner has already suffered incarceration for a period of more than 02 months & same does not reflect involvement of the petitioner in any other case. No tangible material has been brought on record to indicate the likelihood of the petitioner fleeing from the process of law or interfering with the prosecution evidence. In considered opinion of this Court, in the facts and circumstances of the case, further detention of the petitioner as undertrial is not warranted.

7. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.

- (v) The petitioner shall deposit his passport, if any, with the trial Court.
 - (vi) The petitioner shall give his cellphone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaq Magistrate.
 - (vii) The petitioner shall not in any manner try to delay the trial.
8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.
9. Ordered accordingly.
10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.
11. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

January 24, 2024
Ajay

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