

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

101+203

CRM-M-9155-2024 (O&M)  
Date of Decision:- 15.04.2024

Mohit

....Petitioner

Vs.

State of Haryana

...Respondent

CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Chirag Kundu, Advocate for the petitioner.

Mr. Deepak Grewal, DAG, Haryana.

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AMARJOT BHATTI, J. (Oral)

CRM-15818-2024

This is an application u/s 482 Cr.P.C. for placing on record the order dated 31.05.2023 passed in CRM-M-24468-2023 as Annexure P-9.

For the reasons stated in the application, the same is allowed. The accompanying document as Annexure P-9 is taken on record, subject to just exceptions.

Application stands disposed of.

CRM-M-9155-2024

1. The petitioner – Mohit has filed the instant 4<sup>th</sup> petition under Section 439 Cr.P.C. for grant of regular bail in FIR No.23 dated 27.01.2023, under Sections 315, 377, 498-A, 506 of IPC (Section 323,

328, 342, 366, 377 of IPC were deleted later on) registered at Police Station Rohtak Civil Lines, District Rohtak.

2. The facts of the case are that the prosecutrix filed written complaint against her husband-Mohit and his family members for abduction and forcible marriage by threatening her to kill. The prosecutrix alleged that in the year 2022, she was doing B.Ed. from Ganga College, Dujana. She used to go to Khushi Computer Centre. In the month of February-March, she started receiving calls from unknown number. The said boy wanted to meet her. Ultimately, she met the said boy namely Mohit. He intoxicated her by mixing something in the juice and thereafter, she was not feeling well. On one occasion, she was taken to a hotel near Sheela Bypass, Rohtak and committed rape upon her and also prepared a video and started threatening her. She was called to other hotel and was threatened that in case she told anything at home her video will be leaked on social media. The mother of Mohit also called her to perform marriage with Mohit but she was not prepared for the same. She was put under pressure on 09.09.2022 and was forcibly taken away by Mohit to Jind by extending threats. From there she was taken to Shahpur village. On 10.09.2022, her marriage was performed with Mohit forcibly in the presence of his parents and relative. She was taken before an advocate and was forced to sign on certain blank papers. She was not permitted to talk to her family members. She was also produced before Court. During this period, Mohit committed unnatural sex with her. They were shifted from one place to the other. He used to consume liquor and ill-treated her. During this period she became pregnant. On the death of her uncle, she was permitted to visit her parental house on 27.12.2022. Thereafter, she

disclosed everything to her parents. She was beaten up and dragged by her husband, as a result she fell down. She was confined in a room and ultimately, the police came and rescued her. With these allegations, the present FIR was registered.

3. Learned counsel for the petitioner argued that the allegations levelled against the petitioner are false. They had performed love marriage on 10.09.2022 against the wishes of parents of girl. They had filed petition seeking protection which was disposed of vide order dated 19.09.2022 (Annexure P-1). Subsequently, the prosecutrix levelled false allegations of forcible marriage or maltreatment. As per the opinion of Board of Doctors (Annexure P-4), there was no mark of injury on her body. She has also filed a complaint under Protection of Women from Domestic Violence Act which is Annexure P-5. He has been chargesheeted under Section 498-A, 377, 315, 506 of IPC. Copy of chargesheet is Annexure P-2. The previous bail applications were dismissed as withdrawn. The copy of order dated 31.05.2023 passed in CRM-M-24468-2023 is Annexure P-9, copy of order dated 25.07.2023 passed in CRM-M-34324-2023 regarding withdrawal of second regular bail application is Annexure P-7 and copy of order dated 03.10.2023 passed in CRM-M-37918-2023 is Annexure P-8. The prosecution evidence is yet to start. He was arrested on 22.03.2023, trial of this case may take long time. He will abide by the terms of bail order. It is prayed that his regular bail application may be allowed.

4. The bail application is opposed by learned counsel representing the State. Detailed status report has been placed on record. The challan in this case has been presented on 24.05.2023. After framing of chargesheet,

the prosecution evidence is yet to start. The perusal of status report further shows that various other litigation has started between the parties. There are specific serious allegations regarding abduction and performing marriage by putting her under threat. Prosecutrix also levelled allegations of rape by threatening to put her objectionable photos on social media. Therefore, considering the gravity of offence, the present petitioner is not entitled to be released on bail.

5. I have considered the facts of the case and the documents on record. As per the allegations of prosecutrix her marriage was performed with Mohit by putting her under threat, whereas the petitioner has placed on record copy of protection order in CRM-202-2022 order dated 19.09.2022 (Annexure P-1) which shows that they had performed marriage against the wishes of their parents, as a result they filed protection petition by impleading the parents of prosecutrix as well as the present petitioner as respondents No.6 to 9. The aforesaid order further shows that the said respondents had appeared in the Court and accepted their marriage. The dispute started between the couple after marriage as a result civil and criminal litigation started. The petitioner has been chargesheeted under Section 498-A, 377, 315, 506 of IPC. Copy of chargesheet dated 15.01.2024 is Annexure P-2. The prosecution evidence is yet to start. The petitioner is ready to abide by the terms of bail order. The version of the prosecution as well as the medical record will be appreciated at appropriate stage. Therefore, without expressing my mind on the merits of the case, the 4<sup>th</sup> regular bail application filed by the petitioner is allowed. He is ordered to be released on bail on furnishing bail bonds to the satisfaction of trial Court/Duty Judge concerned.

6. The petition is, accordingly, accepted.
7. Pending miscellaneous application(s), if any, stand disposed of accordingly.

15.04.2024

*Sunil Devi*

(AMARJOT BHATTI)  
JUDGE

Whether speaking/reasoned:  
Whether reportable:

Yes/No  
Yes/No