



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M No.15392 of 2024
Date of Decision: 22.05.2024

Pranav Sharma ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Madhugar Verma, Advocate,
Mr. Amitabh Tewari, Advocate and
Mr. Anirudh Gupta, Advocate,
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana,
for the respondent-State.

Mr. Prateek Rathee, Advocate,
for the complainant.

MANISHA BATRA, J.(Oral)

1. The present petition has been filed under Section 439 of Cr.P.C. seeking regular bail in FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
116	13.02.2024	Sector 10, District Gurugram	498-A, 307, 377, 325, 406, 506 and 34 of IPC

2. Brief facts relevant for the purpose of disposal of the present petition are that on 31.01.2024, a written complaint was lodged by the complainant Akanksha at the police station making allegations against the petitioner with whom she got married on 26.10.2022 alleging that she

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was physically assaulted by him. She also levelled allegations that the petitioner used to raise demand of money, to maintain physical relations with his friend and also demand of unnatural sexual relations. She alleged that even the mother of the petitioner raised demand of a sum of Rs.20 lacs as dowry and on her refusal, she had extended threat that her son would leave the complainant. The complainant further alleged that the petitioner had even tried to make an attempt to kill her and she had a proof of this fact in the form of a video recording. It was also alleged by her that the istridhan belonging to her which was in the form of jewellery had been sent by her to his mother house at Karnal on his asking. She also levelled allegation that on 01.01.2024 also, the petitioner had physically assaulted her by raising demand of a sum of Rs.7 lacs. While alleging that on 05.01.2024, the petitioner had left home while leaving her child alone therein and did not respond to his calls and further that he had prepared her objectionable videos without her permission and had been extended threat to make them viral, she prayed for taking action against him.

3. The petitioner as well as the complainant were called for counselling purposes at the Mediation Cell, Gurugram. However, no settlement could be arrived at between the parties and then the aforementioned FIR was registered. Investigation proceedings were initiated. The petitioner was arrested on 16.02.2024. Offences under Sections 325, 377 and 34 of IPC were deleted during the course of investigation. The mother of the petitioner who was also nominated as an accused was found to be innocent. Investigation has since been completed and challan has been presented in the Court.

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4. The petitioner had moved an application for grant of regular bail before the learned trial Court which had been dismissed vide order dated 04.03.2024.

5. The present petition has been filed by the petitioner on the grounds and learned counsel for the petitioner has vehemently argued that the petitioner has been falsely implicated in this case on frivolous and omnibus allegations. Infact, they had been in live-in-relationship for a period of about two years before performing the marriage on 26.10.2022. This marriage was performed behind the back of mother of the petitioner and there was no exchange of any gifts between the parties. It is submitted by him that this was second marriage of both the parties and the complainant had a male child from her first marriage. It is submitted that the petitioner is suffering from a life threatening auto-immune disease, namely, Multiple Sclerosis since the year 2020 and, therefore, had been working from home and after the marriage, he had looking after the minor son of the complainant by treating him as his own son. The further argument raised by learned counsel for the petitioner is that due to the medical condition of the petitioner which is incurable and due to which he has to be admitted to hospital several times, he had not been able to sexually satisfy the complainant and that was a reason that the complainant had become frustrated shortly after her marriage with him. In this regard, she had even conversation with him and sent messages to him. On 14.11.2023, she had sent a message to get separate from him by seeking divorce. She had been threatening him to be ready for separation.

6. Learned counsel for the petitioner has further submitted that the

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complainant was having promiscuous affairs and due to her act and conduct, the petitioner had started suffering from multiple sclerosis relapse and had been admitted to Artemis Hospital, Gurugram on 08.01.2024. Despite knowing about whereabouts of the petitioner, she had lodged missing report on 11.01.2024 at police station against him. The allegations that he had committed any unnatural act of committing carnal intercourse against the order of nature have been found to be false.

7. It has further been argued by learned counsel for the petitioner that since the investigation stands completed, therefore, neither the custodial interrogation of the petitioner is required any more nor any purpose would be served by detaining him in custody. His disease requires specialized treatment which is not possible due to his being lodged in jail and his health condition is deteriorating. He does not have criminal antecedents. There are not chances of his absconding. With these broad submissions, it is urged that the petitioner deserves to be released on bail.

8. Status report has been filed by the respondent No.1-State. Learned State counsel assisted by learned counsel for the complainant has argued that there are serious allegations against the petitioner. He made an attempt to commit murder of the complainant by trying to strangle her and there was a video recorded proof of this fact. The complainant is yet to be examined. There are chances of petitioner's intimidating the witnesses or absconding, if extended benefit of bail. It is also submitted that as per the report received from the Medical Officer, District Jail, Gurugram, the health condition of the petitioner is hemodynamically stable. He can very well be treated while being in custody. Therefore, it is urged that the petition does

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not deserve to be allowed.

9. Due deliberations have been given to the contentions raised by both the sides besides perusing the material placed on record.

10. On considering the submissions made by learned counsel for both the parties and on the basis of the material placed on record, it is revealed that the petitioner and the complainant had performed marriage on 26.10.2022 and prior to that, they had been in live-in-relationship. It is also revealed that the petitioner is suffering from an auto-immune disorder disease namely, Multiple Sclerosis and is having relapses of the same since November 2023. It has also come on record that this is second marriage of both the parties and the same has run into rough weather. Allegations and counter allegations have been levelled by both the parties against each other. It has further been revealed that there is no medical evidence on record to prove that the petitioner had tried to strangle the victim, committed any act of carnal intercourse against the order of nature or had caused any grievous injuries to her and that is why the offences under Sections 325 and 377 IPC were deleted during the course of investigation.

11. Learned counsel for the complainant has drawn the attention of this Court to a video which is of a duration of some seconds, to substantiate his argument that the petitioner had tried to murder the victim by strangle her. This video which has been seen from his mobile phone, and the same no doubt shows the petitioner while lying over the complainant and pressing her neck. However, at this stage, no consideration can be given to this video recording in view of the fact that neither the former part nor later part of this video has been shown and it is of a very small duration and no conclusion as

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to the petitioner's actually making an attempt to kill the complainant can be drawn from the same.

12. On the other hand, the petitioner has placed on record copies of medical record showing that he is suffering from auto-immune disease and report has also been received from the Medical Officer of the District Jail, Gurugram showing that he is suffering from Multiple Sclerosis and his condition is hemodynamically stable. It is relevant to mention here that the term "hemodynamically stable" is used for patients whose blood pressure and heart rate is stable but they might be still critically ill. Therefore, it can be reasonably inferred that the petitioner is suffering from critical illness. He is in custody since 16.02.2024. The trial is yet to be commenced and is obviously going to take time. It is a debatable issue as to whether on the basis of the allegations in the FIR, a case for commission of offences punishable under Sections 406, 498-A and 307 of IPC has been made out or not.

13. It is neither feasible nor appropriate for this Court at this stage of considering the plea of bail of the petitioner to go into the merits of the case and draw any conclusion as the same has to be drawn on the basis of the evidence produced before the trial Court and after due evaluation and thorough assessment thereof and not by this Court. However, keeping in view the nature of the allegations levelled against the petitioner, the period spent by him in custody, his medical condition coupled with the fact that the trial is likely to take time and no useful purpose would be served by keeping the petitioner in custody any more, as it appears to be a case of matrimonial discord but without meaning to make any comment on the merits of the case

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lest it prejudices the case of the prosecution, I am of the considered opinion that the petitioner deserves to be extended benefit of bail at this stage.

14. Accordingly, the petition is allowed and the petitioner is ordered to be admitted to bail subject to his furnishing personal as well as surety bonds to the satisfaction of learned trial Court.

22.05.2024
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(MANISHA BATRA)
JUDGE

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