

2024:PHHC:006357

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

213 **CRM-M-18506-2023**
Date of Decision: 18.01.2024

RavinderPetitioner

Versus

State of Haryana and anotherRespondents

CORAM: HON’BLE MR.JUSTICE SUMEET GOEL

Present:- Mr.Ajay Kalra, Advocate, for the petitioner.

Ms. Mahima Yashpal, AAG, Haryana.

Ms. Isha Jangra, Advocate for the complainant.

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.226 dated 22.07.2022, registered for the offences punishable under Sections 376, 452 and 506IPC and Section 376(2)(h) IPC added later on, at Police Station Line Par Bahadurgarh, District Jhajjar.

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

“To, SHO Sir, Police Station Linepar Bahadurgarh. I Nisha wife of Vishal resident of Village Nizampur, Delhi. My marriage was solemnized about three years ago. I was three months pregnant. On 20.07.2022, I was visited the house of my sister-in-law (nanad) at Linepar Bahadurgarh. I along with my husband and sister-in-law (nanand) went for medically checked-up at Civil Hospital. My husband, after dropping me and my sister-in-law went away at village. I came back to the house of my sister-in-

law. As it was raining so I could not go to my matrimonial home and I stayed back at the house of my sister-in-law. On next day, at about 8:00 am, my brother-in-law (nandoi) Ravinder son of Mange Ram resident of Gali No. 2 Netaji Nagar, Linepar Bahadurgarh went to his work. Thereafter, my sister-in-law (nanad) also went to her own duty at about 10:00 am at Jhajjar. I was alone in the house. However, my brother-in-law (nandoi) came back after 10 minutes of leaving the house by my sister-in-law. I locked the door from inside. He knocked at the door and I opened the same. Thereafter, my brother-in-law came in and grabbed my hand and dragged me inside. I tried to liberate myself but he forcibly committed rape upon me and threatened me of dire consequences in case I disclose the incident to anyone. Thereafter, my brother-in-law went back to his duty. My husband came at 5:00 pm to fetch me back. I did not disclose the incident due to fear even to my husband or to anyone else. At about 11:00 pm, I disclosed the incident to my husband about my brother-in-law. Today, on 22.07.2022 I came to the Police Station to lodge a complaint. Legal action be taken against my brother-in-law Ravinder. I given my complaint in night at 22:15 Hrs. S/d Nisha wife of Vishal resident of Nijampur Mob. 8800692644. Police Proceeding.”

3. Learned counsel for the petitioner has argued that the accused was arrested on 23.7.2022 wherein investigation was carried out and challan was presented and trial is underway. Learned counsel for the petitioner has, while relying upon a compromise dated 03.03.2023, has argued that the FIR in question was on account of misunderstanding between the petitioner and the complainant which now stands resolved. Thus, regular bail is prayed for.
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.

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

6. The accused is in custody since 23.07.2022; challan stands presented on 22.08.2022 wherein total of 15 PWs were cited, out of which 13 PWs including PW-1-Nisha (victim) has been examined. As per the custody certificate dated 17.01.2024 submitted by the learned State counsel, the petitioner has undergone incarceration for more than 01 year and 06 months and is not shown to be involved in any other case. This Court does not deem it appropriate to delve deep into the veracity and effect of the compromise dated 03.03.2023 lest it may prejudice the case of the either parties. No tangible material has been brought before this Court to indicate likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence. Hence, in considered opinion of this Court, further detention of the petitioner 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/Illaqa 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.

09. 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 18, 2024
poonam

<i>Whether speaking/reasoned:</i>	<i>Yes/No</i>
<i>Whether Reportable:</i>	<i>Yes/No</i>

