

**CRM-M-36218-2024****-1-****240**

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

CRM-M-36218-2024

Date of Decision:- 15.10.2024.

SHANKAR

....Petitioner

Vs.

STATE OF HARYANA

...Respondent

CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Kanwar Jasjeet Singh, Advocate for
Mr. Akashdeep Singh, Advocate
for the petitioner.

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

Mr. Lalit Kumar Narang, Advocate
for the complainant.

AMARJOT BHATTI, J. (Oral)

1. The petitioner – Shankar has filed the instant 2nd petition under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail in FIR No. 261 dated 06.06.2022 under Section 376(2)(n), 377, 328, 120-B, 506 of IPC (Section 201 IPC added in challan), registered at Police Station Kalanaur, District Rohtak.

2. The facts of the case are prosecutrix gave her statement that she got married with Shankar son of Ashok on 27.01.2022. After few days of marriage, her father-in-law Ashok gave her some intoxicant by mixing it in food and he used to maintain physical relations with her. When she came to know about this fact, she opposed it. He threatened to kill her and her family. She disclosed this fact to her husband Shankar who in return told

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her that she will have to reconcile. He started putting restrictions on her. She was not allowed to talk to her family members on phone nor she was allowed to visit her parental house. Whenever her family called her, her father-in-law used to listen the conversation. Her father-in-law did wrongful act everyday in the afternoon. On 03rd of June, she came to her parental house and disclosed everything to her mother. Ultimately, the matter was reported to the police.

3. Learned counsel for the petitioner argued that trial in this case is going on. Earlier his regular bail application was declined in CRM-M-58033-2022 vide order dated 30.01.2023 (Annexure P-8). Now material witness i.e. victim has been examined. Copy of her statement is annexed as Annexure P-6. Other witnesses are yet to be examined. Allegations against present petitioner are without any basis. He will abide by the terms of bail order. It is prayed that his regular bail application may be allowed.

4. Bail application is opposed by learned counsel representing the State. Status report along with custody certificate is filed, which is taken on record. As per the status report, there are specific serious allegations against present petitioner. Recently, regular bail application filed by petitioner has been declined by learned Additional Sessions Judge, Rohtak vide order dated 08.07.2024. Out of 16 prosecution witnesses, 07 witnesses have been examined. However, it is confirmed that petitioner is not involved in any other case.

5. I have considered the arguments and have gone through the record carefully. First regular bail petition was filed by petitioner at initial stage and the same was declined vide order dated 30.01.2023 (Annexure P-8). Now this is second regular bail petition filed before this Court. As per

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custody certificate, petitioner is behind the bars for the last 02 years and 03 months approximately. Victim is the material witness, her statement has been recorded whereas remaining prosecution witnesses are yet to be examined. Present petitioner is the husband of victim and the allegations of rape are against Ashok who is father of present petitioner. So far as role of present petitioner is concerned i.e. matter of trial.

Considering the custody period and the fact that victim has been examined, without going on the merits of the case, second regular bail petition filed by petitioner – Shankar is allowed. He is ordered to be released on bail on furnishing bail bonds and surety bonds to the satisfaction of trial Court/Duty Judge concerned.

15.10.2024*Sunil Devi***(AMARJOT BHATTI)
JUDGE**

Whether speaking/reasoned :
Whether reportable :

Yes/No
Yes/No