

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

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CRM-M-51261-2023 (O&M)
Date of decision: 30.01.2024

Ajit Singh ...Petitioner

Versus

State of Haryana and another ...Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Kunal Dawar, Advocate
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

Dr. Rishi Pal Singh, Advocate
for respondent No. 2.

MANISHA BATRA, J. (Oral)

- Through the instant petition, filed under Section 438 of Code of Criminal Procedure, 1973, the petitioner seeks anticipatory bail in case FIR No. 105 dated 07.06.2023, under Sections 323, 328, 377, 406, 498-A, 509 and 511 of the IPC (Sections 328 and 511 of IPC deleted later on) at Police Station Jhansa, District Kurukshetra.
- Brief facts of the case relevant for the purpose of disposal of the present petition are that the aforementioned FIR was registered on the basis of a written complaint submitted by complainant/victim 'A' (*name withheld*) alleging therein that her marriage was solemnized with the petitioner on 08.12.2019, who is serving as Sub Inspector in armed forces. Sufficient dowry was given in her marriage. She alleged that earlier also, she had got registered an FIR bearing FIR No.188, dated 16.12.2020, under Sections 498-A, 323,

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406, 328, 511. 509, and 377 IPC in Police Station Jhansa but a compromise was effected between the parties. The petitioner had given assurance that he would keep her properly but he did not mend his ways. Thereafter, the petitioner took victim/his wife to West Bengal as he was posted there, where he used to indulge in drinking with his colleagues and on resistance by the victim, he used to beat her. On 15.12.2022, the petitioner along with his colleagues came at home and drank liquor. The petitioner tried to make her drink liquor forcibly and asked her to dance for them. On her refusal, the petitioner extended beatings to her and committed unnatural sex with her. On 02.02.2023, her husband came under the influence of liquor and started abusing her and again stated that she has not brought the dowry. She was badly beaten up and was dragged by her hair from the living room towards bed room, where he again committed unnatural sex with her. She was confined in a room and her husband also snatched her mobile phone. He did not provide medicines to her. On 12.02.2023, the petitioner brought her back at Panipat. He demanded a car and 21 *tolas* of gold from her father on phone and threatened that otherwise he would harass and beat her but a Panchayat was convened and she was sent back. From 13.02.2023 to 26.02.2023, she stayed at her matrimonial house, where she noticed the petitioner to be indulged in having conversation with some females on phone and on her asking she was subjected to carnal intercourse against the order of nature by him. On 25.02.2023, her husband and mother-in-law tried to pour phynoil and acid in her throat. Therefore, on 26.02.2023, she reached her parental home and on 28.02.2023 she took medicines from Bhaskar Hospital, Shahabad. On the basis of this complaint, the present FIR was registered and investigation

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proceedings were initiated. Medical examination of the victim was got conducted. The petitioner, apprehending his arrest, moved an application for grant of anticipatory bail before the Additional Sessions Judge (FTC), Kurukshetra but the same was dismissed, vide order dated 16.09.2023. Hence, the petitioner has approached this Court by way of filing the present petition seeking concession of anticipatory bail.

3. Vide order dated 10.10.2023, passed by this Court, the petitioner was released on interim bail and was directed to join investigation.

4. Learned State counsel, on instructions from the Investigating Officer, assisted by learned counsel for respondent No. 2/complainant, states that the petitioner has joined the investigation on 13.10.2023 and he is not required for custodial interrogation.

5. In view of the said facts, without commenting on the merits of the case, the present petition is allowed and the order dated 10.10.2023, granting interim bail to the petitioner, is made absolute, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure and further keeping in view the fact that there has been no recovery of *Istridhan* from the petitioner and he is also stated to be in arrears of maintenance, this order will be subject to deposit of an amount of Rs. 40,000/- by the petitioner with the trial Court/Illaqua Magistrate within a period of 20 days from today, which in turn will be handed over to respondent No. 2/complainant by the Court concerned.

30.01.2024

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No