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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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Date of Decision: 11.11.2024

RAVI KUMAR

.. Petitioner

Vs.

STATE OF HARYANA

..Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Kuldeep Singh Siwach, Advocate for the petitioner.

Ms. Mahima Yashpal, DAG, Haryana.

...

SUMEET GOEL, J. (Oral)

1. Present petition has been filed under Section 483 of BNSS, 2023 for grant of regular bail to the petitioner in case bearing FIR No.70 dated 28.06.2024, registered for the offences punishable under Sections 313, 323, 34, 354-A, 406, 498-A and 506 of IPC at Police Station Nizampur, District Mahendergarh.

2. The case set up in the FIR in question (as set out by the petitioner in the present petition) is as follows:-

“To, The Station House Officer, Police Station Nizampur. Subject:- Application for taking strict legal action by registering a case against the accused 1. Ravi Kumar (husband) son of Shiv Kumar, 2. Shiv Kumar (father-in-law) son of Banwari Lal, 3. Suman (mother-in-law) wife of Shiv Kumar, 4. Saavan (elder brother-in-law) son of Shiv Kumar, 5. Rahul (brother-in-law) son of Shiv Kumar, caste Chamar, residents of village Kariya, Tehsil Ateli, District Mahendergarh (Haryana) 6. Dr. Rajiv, Government Hospital, Bawal, District Rewari. Honorable Sir, the applicant requests that- 1. That the applicant Monika, wife of Shri Ravi Kumar, daughter of Shri Ram Kishan, caste Chamar, resident of village Karoli, Tehsil Narnaul, District Mahendergarh. 2. That when the relationship was initially discussed with the accused, the accused had said that you should marry according to our status and our son has done bio medical engineering and he has a package of Rs 20 lakh in Hosi P Max Company and you will have to marry according to our son's education and job. 3. That the marriage of the applicant was solemnized with accused No.1 Ravi Kumar on 18-12-2022 in village Karoli, Tehsil Narnaul according to Hindu customs and rituals and the father of the applicant had donated more dowry than his status in this marriage and had given all the goods of electronics and furniture and about



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Rs30 lakh was spent by the father of the applicant in the marriage. The list of dowry items is attached with the application. 4. That after marriage when applicant went to her in-laws house, the accused said that your father did not give us a car and did not marry according to our status. Your father should have given us jewellery and 11 lakh rupees in cash and a car, but your father did not give all these things and started taunting the applicant. Accused No.1 said that I am studying in IIT from Delhi College, my fees is 10 lakh rupees and get the IIT fees of 10 lakh rupees from your father and along with this get me a big luxury car. My mother-in-law, father-in-law, brother-in-law and elder brother-in-law told the applicant that we should also have been given gold chain, gold ear tops and gold bangles, but gold chain, gold bangles, tops etc. were not given and put off by only giving a gold ring. Accused No. 1 used to beat the applicant and when the applicant complained about this to accused No. 2 and 3, instead of understanding to accused No. 1, they used to take his side and instigate him and get the applicant beaten up more and abused him and accused No. 4 and 5 also supported them in every way. 5. That on 29.12.2022, when the applicant came to her maternal home, she told all the facts to her family members, then they instead made the applicant understand that it is a new marriage and everything will be fine with time. 6. That on 14.01.2023, the applicant went to her in-laws' house and at that time the applicant's sister-in-law had gone to her maternal home and in the evening when the applicant was alone in her room, the applicant's brother-in-law Sawan forcefully entered the applicant's room and as soon as he came, he started doing wrong obscene acts with the applicant and held the applicant tightly in his arms and started teasing the private parts of the applicant and tried to rape the applicant. On which the applicant freed herself from the accused Sawan with great difficulty, otherwise the accused Sawan's intention was to rape the applicant and spoil her honor. After this, when the applicant told her husband, father-in-law and mother-in-law about the entire incident, they threatened me on the contrary and asked me to keep quiet and threatened that if I told anyone about this, they would kill me. When the accused did not say anything to Sawan, his courage increased even more and even after that, on 21-01-2023 and 22-01-2023, he again molested the applicant and tried to force himself on her. But even after that, no hearing was done by the accused and on the contrary, the applicant was threatened. When the applicant protested a lot against the wrong actions of the accused brother-in-law, the accused No.1 took the applicant with him to Delhi. 7. That in Delhi, the behavior of the accused No.1 was not good towards the applicant and he used to come home drunk every day and beat the applicant and say that he would leave the applicant and marry another girl, so that she and her family can also get dowry from there as per their demand. Accused No. 1 would come to the room at night with liquor and would forcibly pressure the applicant to drink liquor and when the applicant refused, he would beat her and try to have unnatural sex with her like animals, because of which the applicant had to endure a lot of pain. The applicant's mother-in-law and father-in-law would also call her almost everyday and abuse her and make her life miserable. But even after that, the applicant somehow kept focusing on settling down her house. 8. That the applicant's brother-in-law Rahul works as a clerk in Chandigarh. He came to the applicant's room in Delhi on 21-05-2023 and at that time the applicant was alone in the room and finding the applicant alone, the accused Rahul forcefully caught the applicant and tried to do wrong things and started touching the private parts and told the applicant that you make me happy, no one will trouble you in our house. On which the applicant somehow saved herself, otherwise the intention of the accused was to rape the applicant. When the applicant told all the facts to her husband, my husband also took the side of my brother-in-law and said that you keep all of us brothers happy and do what we want, otherwise we will kill you and there will be no one to listen to you. When the applicant told all the facts to her mother-in-law and father-in-law, they also took the side of the other accused, due to which the courage of the accused increased even more and the accused Rahul still tried to commit the said misdeed twice. 9. That on 22-09-2023, the husband of the applicant came to the room drunk at night and as soon as he came, he beat the applicant and locked her in the room and did not even allow her to eat food, due to which on 23-09-2023, the applicant got fever and her health deteriorated. On which the applicant asked the accused No.1 to take her to a lady doctor, but the accused No.1 did not listen to her. Later, when the health of the applicant deteriorated, accused No.1 called his brothers Saavan



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and Rahul on 27-09-2023 and on which accused No. 4 and 5 came and on 28-09-2023 they took the applicant to Bawal to get treatment from accused No.6, who is the son of the aunt of accused No.1. Where the accused came to know that the applicant was pregnant, then all the accused conspired and gave abortion medicine to the applicant by telling the applicant that it was medicine for fever and accused No. 6 told the applicant that this is medicine for fever and you will get well and gave glucose etc. to the applicant and the applicant was not even shown admitted. After this, the applicant started bleeding a lot and the applicant's condition worsened, on which the accused got the applicant checked up at Nathani Hospital, Rewari on 28-09-2023, where the applicant was told that the applicant had a miscarriage. On which the applicant talked to the accused, the accused said that we do not want to keep you with us and hence we have aborted your child and said that if you had given birth to this child, it would have been difficult for us to throw you out of the house. After this, the mental and physical condition of the applicant became very weak and the accused brought the applicant to her in-laws' house and did not even take care of the applicant there and harassed the applicant and threatened that they would either kill the applicant or throw her out of the house and make her life difficult. 10. That on 03-10-2023, the accused beat the applicant badly for their illegal demand of dowry and threw her out of the house in just the clothes on her body and threatened to kill her on her return. The accused have also kept all the jewelry, clothes, valuables and stridhan of the applicant with them and have flatly refused to return them. After this, the applicant somehow came to her maternal home and told all the facts to her family, on which the applicant's family talked to the accused over the phone and tried to convince them, but the accused did not listen. After this, on 15-11-2023, the applicant's father along with Mahavir son Shri Ramjilal, resident of village Karoli, Viddi Chand Gothwal, resident of Narnaul, Rampal Paveera, Karambir former Sarpanch Raghunathpura etc. went to the house of the accused with a panchayat and explained to the accused and requested them to keep the applicant well and not to demand dowry, On which the accused did not listen and threatened that if all their dowry demands are not met, they will not allow the applicant to enter their house and will kill her. The accused also abused and misbehaved with the applicant's father and other people who went to the Panchayat and pushed them out of the house. After this, the family of the applicant again went to the house of the accused with the Panchayat on 24-12-2023 to convince them, but the accused again did not listen and clearly refused to keep the applicant with them without fulfilling the dowry demand and threatened to kill her. The applicant is forced to live in her maternal home and the applicant is facing a threat to her life and property from the accused. Therefore, by submitting this application, it is requested that in the above circumstances, a case be registered against the culprits and strictest legal action be taken and the applicant should be got back all her stridhan, precious clothes and jewellery and dowry items from the culprits. Your kindness would be appreciated. Date- 27.12.2023 Applicant, Monika wife of Shri Ravi Kumar, daughter of Shri Ram Kishan, caste Chamar, resident of village Karoli, Tehsil Narnaul, District Mahendragarh. MO 8295113800 NO 138 DATED 15.05.2024."

3. Learned counsel for the petitioner has argued that the genesis of the FIR in question is actually the matrimonial discord between the petitioner and the victim-wife; the aggravated allegations of Section 313 of IPC have been made so as to lend severity to the FIR in question. Learned counsel for the petitioner has further argued that the petitioner is in custody since 10.10.2024 and culmination of the investigation will take its own time. Learned counsel has also argued that there is no material available

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with the prosecution, till date, to invoke the offence under Section 313 of IPC against the petitioner. Thus, the regular bail is prayed for.

4. Learned State counsel along with Investigating Officer-ASI Rajwanti (with case diary) 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 petitioner was arrested on 10.10.2024 and the matter is still under investigation. The prime allegations against the petitioner are of dowry harassment etc. Although the offence of Section 313 of IPC is also invoked against the petitioner, but the same would be a matter of investigation; as to whether any supporting material for establishing this offence is available or not. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, lest it may prejudice the investigation/trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the course of investigation/Court proceedings. As per the custody certificate dated 08.11.2024 filed by the learned State counsel, the petitioner has suffered incarceration for more than 28 days & is not shown to be involved in any other case. Suffice to say further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the present case.

7. In view of totality of factual matrix of the present case, the instant petition is allowed. Petitioner is ordered to be released on regular

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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/Illaqha 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.

9. Ordered accordingly.



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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.

11.11.2024
Jasmine Kaur

(SUMEET GOEL)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No