

109+219 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-8189-2024 IN/AND
CRM-M-1336-2024 (O&M)
Date of Decision: 14.03.2024

RAVINDER @ RAVINDER KUMAR

.....PETITIONER

Vs.

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Ms. Sehej Sandhawalia, Advocate,
for the applicant-petitioner.

Mr. Amrik Singh Narwal, D.A.G. Haryana.

Mr. Arvind Bansal, Advocate,
for the complainant.

HARPREET KAUR JEEWAN J. (ORAL)

CRM-8189-2024

1. By this application, the applicant-petitioner seeks permission to place on record a video footage of the date of incident, dated 27.06.2023, by way of a pen drive, whereby the complainant is shown to be leaving the matrimonial house along with her brother as Annexure P-4 with the accompanying petition.
2. The application is allowed. The said pen drive is ordered to be taken on record as Annexure P-4 with the accompanying petition, subject to all just exceptions. Office to tag the same at appropriate place.

CRM-M-1336-2024 (O&M)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 (for short '*the Code*') for grant of regular bail to the petitioner in case bearing FIR No. 67, dated 08.08.2023 (Annexure P-1) under Sections 313, 323, 354-A, 377, 406, 498-A and 506 of the Indian Penal Code, 1860 (for short '*the IPC*') registered at Police Station Women, District Kaithal.

2. A copy of the status report, dated 22.02.2024, by way of an affidavit of Sh. Umed Singh, HPS, Deputy Superintendent of Police (HQ), Kaithal, (which is not apparently seen in the paper-book), has been supplied by learned State counsel in Court today. Along with the status report, a copy of the MLR and the custody certificate of the present petitioner have also been supplied by learned State counsel. The same are taken on record. Office to tag the same at appropriate place.

3. Learned counsel for the petitioner *inter alia* contends that the ingredients of the offence under Section 313 of the IPC are not made out. The allegations in the FIR are *prima facie* false, in view of the video contained in the pen drive, which is taken on record today as Annexure P-4 as it is seen in the said video that the complainant was being escorted by her brother from her matrimonial house and she was not thrown out as alleged by her in the FIR.

4. It is further contended that the final report under Section 173 of the Code has already been presented before the trial Court and there is no external injury in the Medico-legal Report of the victim.

5. Learned State counsel has opposed the bail application, however, upon instructions from ASI Manita, confirmed that the final report under Section 173 of the Code has been presented. He further submits that 13 prosecution witnesses are yet to be examined.

6. Learned counsel appearing for the complainant has opposed the petition on the ground of gravity. He also contends that there were also two previous incidents dated 12.04.2022 and 16.12.2022 in which the compromise was made by the complainant.

7. I have heard learned counsel for the parties and have gone through the paper-book carefully.

8. As per the FIR, the complainant got married with the petitioner on 04.03.2022 and it is an allegation against the petitioner that the complainant-wife was harassed on account of demand of dowry. She was given beatings. On 27.06.2023, she was beaten up by the petitioner under the influence of Alcohol and was ultimately, turned out of her matrimonial house.

9. As per learned State counsel, the final report has been presented only against the petitioner-husband and the other relatives of the husband have been found innocent during the investigation.

10. As per the custody certificate filed in Court today, the petitioner has undergone a total sentence of 05 months and 03 days. The investigation is complete and the final report under Section 173 of the Code, has already been presented before the trial Court. The allegations of cruelty and the counter-allegations by the petitioner with regard to the contents of the pen

drive (Annexure P-4) are matter of trial. 13 witnesses are yet to be examined.

As per the Medico-legal Report, there is no external injury.

11. Keeping in view the above facts and circumstances, and keeping in view the custody of the present petitioner, without making any comment on the actual merits of the case, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the learned trial Court/CJM/Duty Magistrate concerned.

12. A condition is also imposed upon the petitioner that he shall not leave India without the prior permission of the Trial Court/CJM concerned.

13. It is made clear that nothing expressed hereinabove will be taken to be an observation on the merits of the case, which would be gone into by the learned trial Court wholly on the basis of the evidence led/gathered before it.

14. Pending miscellaneous application (s), if any, shall also stand disposed of.

March 14, 2024
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(HARPREET KAUR JEEWAN)
JUDGE

Whether Speaking	Yes
Whether reportable	No