



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-431-2024 (O&M)
Reserved on:18.12.2024
Date of Pronouncement:- 15.01.2025

KULDEEP

.....PETITIONER

Vs.

STATE OF HARYANA AND ANOTHER

.....RESPONDENTS

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

(As on the reserved date)

Present: Mr. Shubham Kaushik, Advocate,
for the petitioner.

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

Mr. Mukesh Rao, Advocate,
for respondent No. 2.

HARPREET KAUR JEEWAN, J.

1. The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No. 0527, dated 04.05.2022, (Annexure P-1) under Sections 323/34/354/376/376(2) (n) and 506 of the IPC (Section 323/34 IPC were deleted and Section 354-D IPC was added later on) registered at Police Station Sadar, District Hisar.
2. As per the version of the prosecution, the complainant was married to Kapil (co-accused of the petitioner). After her marriage, she started living in her matrimonial home situated in a '*Dhani*' in the fields along with her husband and his family members. The petitioner-Kuldeep is



the father-in-law of the complainant. It is alleged that in December 2020 at about 03:00 p.m. when she was present alone in the house, Anil (co-accused of the petitioner) forcibly violated her without her consent. The petitioner informed the prosecutrix that he is having a video clip of the act having been committed by co-accused-Anil with the prosecutrix. After a few days when the prosecutrix had gone to bring fodder, the petitioner also violated her. It is further alleged that the petitioner further threatened the prosecutrix to show her video of the said act to her parents.

3. Learned counsel for the petitioner submits that there is an unexplained delay in lodging the FIR. The alleged incident took place in the year 2020 whereas the FIR was registered in the year 2022.

3.1 It is further contended that the co-accused (Anil) was declared innocent during the investigation and even the application moved by the complainant under Section 319 Cr.P.C. for summoning the said co-accused has been dismissed by the trial Court.

3.2 It is also contended that the present FIR has been got registered due to a strained relationship between the complainant and the son of the petitioner. The marriage of the son of the petitioner was solemnized with the complainant on 12.03.2018. Thereafter, on 23.12.2021 the husband of the complainant had filed a petition for annulment of the marriage (Annexure P-3). The complainant had been living with her parents since January 2021 and no plausible reason has been given for such a long delay in registration of the FIR. The trial is going to take time.

4. On the other hand, learned counsel for the State has opposed the present petition, on the ground of gravity of allegations. Learned State



counsel conceded that final report (‘*challan*’) under Section 173 Cr.P.C. has been presented after completion of the investigation and even the charge-sheet has been issued by the trial Court.

4.1 Further, it is contended that the statement of the prosecutrix has been recorded wherein she has duly corroborated her version.

4.2 Learned State counsel submits that the petitioner is the father-in-law of the prosecutrix and prosecutrix has explained that earlier she did not disclose about the incident to anyone as it would have been shameful to her family and nobody would have believed her. It has been pointed out that in statement of the prosecutrix recorded on 04.07.2023, the prosecutrix has stated that the petitioner committed rape upon her many times in the fields by threatening her and at last she disclosed this incident to her husband Kapil, as well as to her mother-in-law but gave her beating and threatened to keep silent.

4.3 She has further stated that at the time of death of her grandfather, she was dropped to her parental house and thereafter, when the parental family asked her to go to her in-law’s house, she refused. She has further stated that many times she had tried to commit suicide and on repeated requests she disclosed the incident to her parents and thereafter, the FIR was got registered.

5. Learned counsel for respondent No. 2-complainant has opposed the present petition by way of filing a reply. Along with her reply, the complainant has appended various photographs Annexures R-2/4. The said photographs reflect a person holding numerous weapons. Respondent No. 2 has categorically stated that such are the photographs of Kapil



(husband) and the petitioner-Kuldeep (father-in-law) along with various arms and ammunition. The said fact has not been disputed by the petitioner.

6. I have considered the contentions raised by learned counsel for the parties and have gone through the paper-book carefully.

7. Though the petitioner is in custody, however, this fact is not disputed that the petitioner is having criminal antecedents. 07 other cases have also been registered against him, though he has been acquitted in various cases but FIR No. 698, dated 31.12.2012, and FIR No. 1134, dated 15.09.2022, registered at Police Station Sadar, District Hisar are still pending. This fact also cannot be ignored that during the investigation, when the petitioner was arrested on 14.09.2022 and when he was being taken for his medical examination by ASI Darshan Singh, the petitioner managed to flee away and as per the reply of the State, dated 12.03.2024, in this regard FIR No. 1134, dated 15.09.2022, under Section 166-A, 223 and 224 IPC read with Section 34 thereof was registered at Police Station Sadar District Hisar.

8. Keeping in view the antecedents of the petitioner and especially the fact that he managed to escape even during the investigation, I am of the considered view that in case the petitioner is released on bail pending trial, there are chances for his absconding.

9. In view of the above circumstances, there are no merits in the present petition. Consequently, the present petition stands dismissed.

10. It is made clear that nothing observed hereinabove will be taken to be an observation on the actual merits of the case, which would be taken up by the learned trial Court wholly on the basis of evidence



led/gathered before it.

11. Pending miscellaneous applications, if any, also stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

January 15, 2025
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Whether Speaking	Yes
Whether Reportable	No