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

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Date of Decision:-18.03.2025

Ashu Lata

...Petitioner

Vs.

State of Haryana and Anr.

...Respondents

CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Gurveer Singh Sidhu, Advocate
for petitioner.

Ms. Aditi Girdhar, AAG, Haryana.

AMARJOT BHATTI, J.

1. The petitioner – Ashu Lata has filed petition under Section 439(2) Cr.P.C. read with Section 482 Cr.P.C. for cancellation of regular bail granted to respondent No.2-Jasvinder vide order dated 11.07.2023 (Annexure P-7) passed by learned Additional Sessions Judge, Rewari in FIR No.80 dated 06.07.2022, registered under Sections 498-A, 377, 406, 506, 34 of IPC, 1860 at Police Station Women Police Station, Rewari, District Rewari.

2. Learned counsel for petitioner argued that on the written complaint filed by Ashu Lata present petitioner, FIR No.80 dated 06.07.2022, under Sections 498-A, 377, 406, 506, 34 of IPC, 1860 at Police Station Women Police Station, Rewari, District Rewari (Annexure P-1) was registered. The petitioner/complainant alleged that her marriage was



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solemnized on 09.05.2016 with Jasvinder. Initially, everything was fine but thereafter, her mother-in-law started harassing her physically and mentally on account of their demand for dowry. Her father-in-law kept bad eye on her. Her husband used to beat her under the influence of liquor and there are allegations of forcible unnatural sex. The complainant has narrated various incidents which took place with her in the matrimonial home. As per her version, she tolerated everything because she had performed marriage against the wishes of entire village and society, since it was inter-caste marriage. During this period, matter was also compromised but there was no change in the behaviour of her husband. There was continuous harassment for her and her 02 year old son. She was threatened and was turned out of the house by her husband. With these allegations, present FIR was registered.

3. Learned counsel for petitioner argued that respondent No.2 approached the court of learned Additional Sessions Judge, Rewari for grant of anticipatory bail which was declined vide order dated 02.08.2022. Thereafter, he approached the High Court by filing CRM-M-35753-2022 seeking anticipatory bail. He was granted interim relief and despite given opportunity to join investigation and for recovery of dowry articles, he did not cooperate with the investigating agency. Copies of orders dated 22.11.2022 and 08.05.2023 are Annexure P-2 and P-3. Finally, his anticipatory bail petition was declined vide order dated 03.07.2023 (Annexure P-4). He was arrested on 07.07.2023, the police did not request for police remand and on the same day, he was sent to judicial custody. He filed regular bail application which was declined by learned Judicial



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Magistrate Ist Class, Rewari vide order dated 07.07.2023 (Annexure P-5). Thereafter, he filed regular bail application before learned Additional Sessions Judge, Rewari which was allowed vide impugned order dated 11.07.2023 (Annexure P-7). It is pointed out that in this case, no dowry articles were recovered by the police. This fact was totally ignored while granting regular bail vide impugned order dated 11.07.2023. In fact the investigating agency was helping respondent No.2. After grant of bail, he started extending threats to the petitioner. It is argued that impugned order dated 11.07.2023 (Annexure P-7) granting regular bail to respondent No.2 is not justified and the same may kindly be cancelled and respondent No.2 be sent behind the bars.

4. Learned counsel representing respondent No.2 opposed the petition. It is pointed out that there is nothing on record to show that respondent No.2 extended any threat to petitioner. He is already facing the trial. He has not violated any term and condition. Therefore, present petition filed by petitioner seeking cancellation of regular bail is without any justification.

5. Learned counsel representing State filed status report confirming the aforesaid factual position. It is pointed out that respondent No.2 was granted regular bail by learned Additional Sessions Judge, Rewari vide order dated 11.07.2023 (Annexure P-7). The investigation was completed and thereafter, challan is already presented before the Illaqa Magistrate, Rewari on 18.08.2023. During investigation, other accused were found to be innocent, therefore, they were kept in Column No.2 and the offence under Sections 354-A, 328, 34 of IPC were deleted and challan was



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presented only against husband-respondent No.2 under Sections 498-A, 406, 377, 506, 34 of IPC.

6. I have considered the arguments and have gone through the record carefully. I have also gone through the contents of the FIR levelling allegations of continuous maltreatment on account of demand of dowry and allegations of unnatural sex. As a result, petitioner was finally turned out of the matrimonial home along with her child. It is matter of record that initially petitioner had applied for anticipatory bail which was declined vide order dated 02.08.2022 and thereafter, he filed anticipatory bail petition in the High Court bearing CRM-M-35753-2022 in which interim relief was granted and on non-joining of investigation, it was finally declined vide order dated 03.07.2023 (Annexure P-4). Respondent No.2 was arrested on 07.07.2023. Thereafter, again his regular bail application was declined by Judicial Magistrate Ist Class, Rewari vide order dated 07.07.2023 (Annexure P-5) and finally he was granted regular bail by passing impugned order dated 11.07.2023 (Annexure P-7). The contents of FIR indicate that present petitioner and respondent No.2 got married against the wishes of society since it was inter-caste marriage. Therefore, giving of dowry articles at the time of marriage or thereafter and its misappropriation is matter of trial. Challan is presented on 18.08.2023 and respondent No.2 is already facing trial. At this stage, allegations detailed by the petitioner is matter of trial which will be finally adjudicated after recording of prosecution evidence as well as evidence in defence. There is nothing on record to show that after the grant of bail, respondent No.2 caused any kind of threat to the petitioner.

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In the light of this, I do not find any sufficient reason to cancel the impugned order dated 11.07.2023 (Annexure P-7) vide which regular bail was granted to respondent No.2 and the petition is accordingly declined.

6. Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

18.03.2025

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

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No