

HRSO010123622023



Presented on : 15-09-2023

Registered on : 15-09-2023

Decided on : 04-10-2023

Duration : 0 years, 0 months, 19 days

**In the Court of Additional Sessions Judge at Sonipat,
(Presided Over by Rajinder Pal Goyal)**

BA/2766/2023

Abhishek Kumar aged about 33 years son of late Shri Ashok Kumar resident of near Fauji Medical Store, Wadhawa Ram Colony (Wadhwa Ram Colony as mentioned in remand paper) Panipat.

...Applicant - accused.

Versus

State of Haryana.

....Respondent

FIR No.426 dated 21.08.2023

Under Sections 323, 354, 498-A, 506 read with
Section 34 of the Indian Penal Code and Section
3 (2) (VA) of the Scheduled Castes &
Scheduled Tribes (Prevention of Atrocities) Act, 1989
Police Station Ganaur, District, Sonipat.

**Ist application for grant of regular bail
under Section 439 Cr.P.C.**

Argued by:- Shri Subhash Chand Saini, Advocate for applicant-accused.
Shri Baldev Singh, learned Public Prosecutor for State
represented by Shri Rakesh Singh Chauhan, Advocate.

ORDER:-

Reply of the bail application filed.

2. The brief facts of the prosecution case are that the prosecutrix daughter of Rajbir, SC by caste was married to Abhishek son of Ashok according to Hindu rites on 26.01.2023 after being given sufficient dowry by her parents but the accused started torturing her and demanded a dowry of Rs.2 lakhs. Her husband had an accident from bike and they stated that chamari had entered into their house. Her brother-in-law outraged her modesty by touching her cheeks and Mohit had also outraged her modesty. Her husband and mother-in-law did not object and she was turned out from her matrimonial home on 17.04.2023 by her brother-in-law Kunal and Mohit. Her husband wanted their house to be transferred in his name because of death of her family members during corona. On her resistance, all that had taken place with her. After registering the case, during the course of investigation, accused Abhishek was arrested on 28.08.2023 who had confessed as per the averments of the prosecutrix. It is prayed that the accused not be released on bail as case under sections 323, 354, 498-A, 506 IPC and section 3 (2) (VA) of SC/ST Act, P.S. Ganaur was lodged against him.

3. The learned counsel for the applicant-accused has sought his bail mainly on the ground that the applicant-accused is innocent person and has not committed any offence as alleged by complainant. Nothing has been recovered from the possession of the applicant-accused. The applicant-accused is in custody from the date of his arrest. The trial of the case will take sufficient long time to conclude and no useful purpose will be served by detaining the applicant-accused in custody. It is therefore, prayed that the

applicant-accused be released on bail.

4. Learned Public Prosecutor has opposed the bail application tooth and nail and prayed for dismissal of the bail application.

5. I have heard the learned counsel for the accused and learned Public Prosecutor for the State.

6. On 03.10.2023 complainant - prosecutrix appeared and has made a statement that she has no objection if the accused is given the concession of bail because she has compromised the matter with her husband. Copy of compromise is Ex.P-1.

The applicant-accused is in custody from the date of his arrest. His culpability is still to be decided by way of evidence besides the validity of the compromise. Therefore, applicant-accused Abhishek is admitted to bail on his furnishing bail bonds in the sum of Rs.50,000/- with one surety in the like amount to the satisfaction of this court. **It is hereby made clear that the order of this court shall have no bearing on the merits of the case.** Papers be tagged with the main file.

Announced in open court.
04.10.2023

Anil Kumar,
Stenographer-I

(Rajinder Pal Goyal)
Addl. Sessions Judge,
Sonipat. **UID HR0091**

Visit ecourts.gov.in for updates or download mobile app “eCourts Services” from Android or iOS

CNR No.HRS0010123622023

BA-2766-2023

Presence: Shri Subhash Chand Saini, Advocate for applicant-accused.
Shri Baldev Singh, learned Public Prosecutor for State
represented by Shri Rakesh Singh Chauhan, Advocate.

As per my separate detailed order of even date, the instant bail
application has been allowed. Papers be tagged with the main file.

Announced in open court.
04.10.2023

Anil Kumar

(Rajinder Pal Goyal)
Addl. Sessions Judge,
Sonipat. **UID HR0091**