

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

**Criminal Misc. No. M-36117 of 2015
Date of decision: 08.01.2016**

Mufeed

..Petitioner

Versus

State of Haryana

..Respondent

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

- 1. Whether reporters of local newspapers may be allowed to see judgment? Yes/No**
- 2. To be referred to reporters or not? Yes/No**
- 3. Whether the judgment should be reported in the Digest? Yes/No**

Present: Ms. Monisha Lamba, Advocate
for the petitioner.

Ms. Trishanjali Sharma, AAG, Haryana
for the respondent – State.

Mr. Mohammad Arshad, Advocate
for the complainant.

Daya Chaudhary, J. (Oral)

This petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner-Mufeed in case FIR No.6 dated 13.09.2015 registered under Sections 376, 511 and 506 of Indian Penal Code at Mahila Police Station, District Palwal.

While issuing notice of motion on 19.10.2015, following order was passed: -

*“Petitioner seeks the concession of pre-arrest bail in
a case registered at the instance of Armeena
alleging that on September 12, 2015, the petitioner*

made an attempt to commit rape upon her in fields.

Counsel for the petitioner submits that Wakeela, wife of his elder brother Saleem is contesting Panchayat Samiti elections in Hathin whereas a female member of the family of the complainant is also a contestant.

The father of the petitioner appears to have submitted a complaint to the police authorities regarding false implication. It appears that there is no injury on the person of the complainant.

Without expression of any opinion regarding the culpability of the petitioner at this stage and the alleged motive attributed for false implication, notice of motion to Advocate General, Haryana, for November 2, 2015.

Meanwhile, an interim direction is issued that the petitioner will join investigation on October 24, 2015 and in case of his doing so, he will be released on interim bail to the satisfaction of the arresting officer.”

A specific contention was raised by learned counsel for the petitioner that the petitioner has falsely been implicated on account of election rivalry between the family of the complainant and that of the petitioner. Same averment has also been mentioned in Para No.3 of the petition. A representation (Annexure P-2) was also stated to be made to Superintendent of Police on 16.09.2015.

Vide order dated 02.11.2015, it was ordered that the Investigating Officer would submit a report whether any lady in the relationship of the complainant and that of petitioner are aspirants for any post in any expected Panchayat election in near future or whether there is any money transaction between the parties.

Learned State counsel on instructions from SI Raj Kalan submits that none of the person from the complainant side is contesting election.

Learned counsel for the complainant has also filed an affidavit of the complainant in the Court wherein it has been mentioned that she has not contested any election and has also no concern with any political party. It has also been mentioned that none of her family member or relative has contested the election. Only on the basis of wrong averment made in the petition, notice of motion was issued and interim protection was also granted. Subsequently the same has also been verified but has been found to be false.

Not only on the basis of seriousness of the offence but also on the basis of wrong averment made in the petition, no ground is made out to grant anticipatory bail to the petitioner.

Dismissed.

08.01.2016
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(DAYA CHAUDHARY)
JUDGE