

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

Crl. Misc. No. M-36132 of 2015

Date of decision : 28.11.2016

Vikas Antil

... Petitioner

versus

State of Haryana & Anr.

... Respondent

CORAM:- HON'BLE MRS. JUSTICE ANITA CHAUDHRY

**Present: Mr. Gautam Dutt, Advocate
for petitioner.**

Mr. Sandeep Vashist, DAG Haryana

**Mr. Karan Pathak, Advocate
for respondent No.2.**

ANITA CHAUDHRY, J.

The petitioner has assailed the order dated 07.10.2015 (Annexure P-6) vide which the Addl. Sessions Judge, Sonapat cancelled the regular bail allowed to the petitioner.

Status report has been filed by the State, according to which the statement of the complainant and her father had been recorded and 15 more witnesses remain to be examined. The case is fixed for 03.02.2017.

FIR No.38 was registered on 01.06.2015 under Sections 323, 498-A, 506 read with Section 34 IPC against the petitioner. The petitioner was allowed regular bail by the Duty Magistrate on 14.06.2015. The complainant filed an application for cancellation of bail before the Sessions Court on the plea that the petitioner had threatened her, she was beaten, her clothes were torn and her mother was pushed. Regarding this incident FIR No. 284 dated 18.08.2015 was registered at Police Station Civil Lines, Sonapat.

The Sessions Court vide order dated 07.10.2015 cancelled the bail allowed to the petitioner alone. It rejected the prayer so far as bail to Jagbir Singh was concerned.

Vide order dated 19.10.2015 passed by a Co-ordinate Bench, operation of the impugned order was stayed.

Learned counsel for the petitioner contends that it was a love marriage and the complainant wanted to reside separately and there were temperamental differences and the complainant got an FIR registered against him and his parents. It was urged that the complainant had got another FIR registered relating to an incident of 24.07.2015 in which cancellation report was submitted. He further submits that the complainant had got another FIR registered on 17.08.2015 which was also found to be false. He submits that the complainant works at Mumbai and her statement had been completed and her father has also been examined and her mother has been given up. He further submits that there is a CD available on record which was seen on the last date of hearing and there was nothing against the petitioner and a complaint has been given to create evidence and to get his bail cancelled. He further submits that the complainant wants the father of the petitioner suspended from service and therefore is looking for the ways to implicate them.

Learned counsel appearing for the complainant submits that the counsel appearing for the petitioner had admitted on the first date of hearing that the petitioner had spoken to the complainant and it is that incident in which threat was extended. He further submits that there is a recording between the complainant and the DSP and the DSP had told the complainant that there were orders from the Inspector General of Police to close the case

and the police is siding with them and therefore the FIR had not been registered. He further submits that the police was not taking the complaint given regarding the incident dated 17.08.2015 and complaint Annexure R2/6 was filed before the Magistrate with a prayer to send it to the police for registration of the FIR and as per instructions given to him the complaint is being examined by the Court.

Regular bail had been allowed to the petitioner. It was cancelled by the Addl. Sessions Judge on 07.10.2015 as another FIR was registered against the petitioner. The Court below had observed that the petitioner had misused the concession of bail. The argument before the Court below was that two unknown persons had threatened the complainant on behalf of the petitioner and his father.

The police has cancelled the FIR so far as incident of 24.07.2015 is concerned. On enquiry, the incident dated 17.08.2015 was also found to be false. The complainant has now filed a complaint in the court, which is being examined. The accused have not been summoned in the complaint. It is yet to be seen whether there was any truth in that complaint. The concession of bail granted to the petitioner could not be withdrawn on mere complaint. The CD that had been filed does not show the presence of the petitioner. The order passed by the Addl. Sessions Judge, Sonapat, which is under challenge, is set aside.

The petition is allowed.

November 28, 2016
Jiten

(ANITA CHAUDHRY)
JUDGE

Whether speaking/ reasoned

Yes/ No

Whether reportable

Yes/ No