

\$~8

*

IN THE HIGH COURT OF DELHI AT NEW DELHI

DECIDED ON : 1st JUNE, 2016

+

BAIL APPLN. 1971/2015

HARINDER SINGH GUJRAL

..... Petitioner

Through : Mr.Dayan Krishnan, Sr.Advocate
with Mr.Rajiv Mohan &
Mr.Abhimanu, Advocates.

versus

STATE (NCT OF DELHI)

..... Respondent

Through : Mr.Amit Gupta, APP.
Mr.Mohit Chaudhary, Advocate with
Mr.Imran Ali & Ms.Damini Chawla,
Advocates for the complainant.

CORAM:

HON'BLE MR. JUSTICE S.P.GARG

S.P.GARG, J. (Oral)

1. The petitioner seeks anticipatory bail under Section 438 Cr.P.C. in case FIR No.496/2015 registered under Sections 323/341/506/509/354/354B/34 IPC at PS Hauz Khas. Status report is on record. Complainant has also filed response.

2. I have heard the learned counsel for the parties including the counsel for the complainant and have examined the file. By an order dated 18.09.2015, the petitioner was granted interim protection and was directed to join the investigation as and when required. Indisputably, the petitioner has joined the investigation since then. Admittedly civil cases instituted by both

the parties against each other are pending before this Court. Petitioner's sister – Mrs.Amrit Sodhi expired on 07.05.2015 at Delhi. The petitioner who is a US citizen came to India on 28.03.2015. Disputes have arisen over the movable and immovable properties left behind by deceased Amrit Sodhi. The complainant has claimed herself to be adopted daughter of the deceased and petitioner has denied it.

3. In the initial complaint lodged on 11.05.2015, the victim did not level allegations of outraging her modesty. After her 164 Cr.P.C. statement recorded on 13.05.2015, Sections 354/354B IPC were added in the FIR.

4. Status report filed on 02.05.2016 reveals that allegations in her 164 Cr.P.C. statement could not be substantiated and corroborated.

5. Considering the above facts and circumstances of the case, the petitioner is granted anticipatory bail and in the event of arrest, he be released on furnishing personal bond in the sum of ₹50,000/- with one surety in the like amount to the satisfaction of the SHO/Investigating officer. He shall, however, join the investigation as and when required.

6. The bail application stands disposed of.

CRL.M.A.No.6115/2016

7. By this application, the petitioner seeks permission to go to USA. The complainant has opposed his abroad visit.

8. I have heard the learned counsel for the parties. Admittedly, the petitioner is a citizen of USA; he is aged around 78 years. He visited India on 28.03.2015 when her sister – Mrs.Amrit Sodhi was admitted for medical treatment in the hospital; she finally expired on 07.05.2015. The instant FIR was lodged by complainant who has claimed herself to be the adopted daughter of the deceased on 11.05.2015. The petitioner has been

granted anticipatory bail in the said FIR and no restriction has been put upon him to travel abroad. As noted above, civil suits are pending between the parties. The petitioner who has denied the complainant to be the adopted daughter of the deceased must be interested to pursue civil proceedings filed by him. There is, apparently no apprehension of his fleeing from justice. The petitioner can't be compelled to remain in India till the final disposal of the case registered vide FIR No.496/2015 which is expected to take long time.

9. The petitioner has filed certain documents including detailed itinerary. As per status report, these were confirmed and found valid. No valid reasons exist to deny permission to the petitioner to visit his place of permanent residence to get himself medically treated and also to take care of his ailing son.

10. Taking into consideration all these circumstances, the petitioner is permitted to travel abroad i.e. USA as per the itinerary (Annexure '3') for six months on his furnishing personal bond in the sum of ₹1 lac with one surety in the like amount to the satisfaction of the Trial Court. The petitioner shall be represented by his authorized counsel before the Trial Court and no adjournment will be sought for his absence during this period.

11. The application stands disposed of.

(S.P.GARG)
JUDGE

JUNE 01, 2016 / tr