

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

Criminal Misc. No.M- 11682 of 2017(O&M)

Date of Decision: May 23 , 2017.

Farid PETITIONER (s)

Versus

State of Haryana RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Rajesh Lamba, Advocate
for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

Mr. Munfaid Khan, Advocate
for the complainant.

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

LISA GILL, J.

The petitioner prays for bail pending trial in FIR No.67 dated 05.05.2016 under Sections 120B/376/506/511 IPC registered at Police Station Women, Faridabad, District Faridabad.

The petitioner, it is submitted, has been falsely implicated in this case at the behest of the complainant, who is none other than his own wife.

The complainant had earlier lodged FIR No.642 dated 23.11.2015 under

Sections 498A/34 IPC against the petitioner and other family members. Copy of the same is attached as Annexure P2. Learned counsel for the petitioner vehemently argues that the complainant even tried to poison the petitioner and he remained admitted at Safdarjung Hospital, New Delhi from 15.06.2015 to 20.06.2015. There is no truth in the allegations raised in the present FIR lodged on 05.05.2016 as no explanation whatsoever is forthcoming for not raising such allegations at an earlier point of time and specifically when the earlier FIR was lodged. The petitioner's wife (the complainant in this case), it is submitted, merely wishes to pressurize and harass the petitioner. There is no truth in the allegations levelled by her. Furthermore, the complainant in this case has already been examined before the learned trial court. Therefore, this petition be allowed.

Learned counsel for the State and the complainant oppose this petition while submitting that there are serious and grave allegations against the petitioner. However, it is not denied that the complainant is the petitioner's wife. She earlier lodged FIR No.642 dated 23.11.2015 against the petitioner under Sections 498A, 34 IPC. In the said FIR, there is not even a whisper of the allegations that are being raised now against the petitioner. It is not in dispute that the incident/incidents alleged in the present FIR pertain to the period prior to registration of FIR No. 642 dated 23.11.2015 under Sections 498A, 34 IPC. It is further not denied that the complainant in this case has since testified before the learned trial court in this case. Learned counsel for the State, on instructions from SI Gurcharan Singh, informs that only three out of 15 witnesses have been examined. Petitioner is not involved in any other case

except the present one and FIR No.642 dated 23.11.2015.

The petitioner is in custody since 14.10.2016. Trial in this case is not likely to conclude in the near future. There are no allegations on behalf of the State that the petitioner is likely to abscond or that he is likely to dissuade the witnesses from deposing true facts in the Court, if released on bail.

Keeping in view the facts and circumstances as above but without commenting upon or expressing any opinion on the merits of the case, this petition filed by Farid is allowed. The petitioner shall be released on bail pending trial subject to his furnishing requisite bail bonds and surety to the satisfaction of the learned Trial Court.

It is clarified that none of the observations made hereinabove shall be construed to be a reflection on the merits of the case. The same are solely confined for the purpose of decision of the present petition.

May 23 , 2017.
'om'

(LISA GILL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No