

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Crl. Misc. No. M-14224 of 2017
Date of Decision : August 09, 2017

Aarif Petitioner

Versus

Zaida and another Respondents

Crl. Misc. No. M-17976 of 2017 (O&M)

P.D.Kaushik Petitioner

Versus

State of Haryana and another..... Respondents

CORAM : HON'BLE MRS. JUSTICE LISA GILL

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?

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Present: Mr. Arjun Atri, Advocate
for the petitioner in CRM-M-14224-2017.

Mr. Nafees Ahmed Khan, Advocate
for the petitioner in CRM-M-17976-2017.

Mr. Anmol Malik, AAG, Haryana.

Mr. Sanjeev K. Panwar, Advocate
for respondent No.1 in CRM-M-14224-2017 and
for respondent No.2 in CRM-M-17976-2017.

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LISA GILL, J. (Oral)

This order shall dispose of CRM-14224-2017 as well as CRM-

17976-2017. For the sake of convenience, facts have been taken from CRM-

M-14224-2017.

The petitioners seek the concession of anticipatory bail in Complaint Case No.227 of 2016 dated 18.10.2016 titled as “Smt. Zaida V. P.D.Kaushik and another” under Sections 323, 354-A&B, 506, 509 IPC pending before the Court of learned Chief Judicial Magistrate, Nuh.

The petitioner-Aarif (in CRM-M-14224-2017) is the Driver of P.D.Kaushik (petitioner in CRM-M-17976-2017). Petitioner-P.D.Kaushik is Sub Divisional Officer in DHBVN Department. He is a regular government official and the petitioner-Aarif is employed with the said Department on contract basis.

CRM-21926 of 2017 in CRM-M-17976 of 2017 is allowed. Certified copy of order dated 15.06.2017 Annexure P-6 is taken on record subject to just exceptions.

Learned counsel for the petitioners submit that the petitioners have been falsely implicated in this complaint which has been filed with an oblique motive. Certain discrepancies were found with regard to the electric connection at the premises of the complainant and her husband thus this complaint was filed to pressurize the petitioners. The petitioners are ready and willing to face trial. There is no question of their absconding or not being available for facing trial. Furthermore, the petitioners have appeared before the learned trial Court pursuant to order dated 27.04.2017 passed in CRM-M-14224-2017 and order dated 06.06.2017 passed in CRM-M-17976-2017. Certified copy of order dated 02.05.2017 passed by the learned CJM, Mewat affording interim bail to the petitioner-Aarif produced in Court today is taken on record subject to just exceptions. Certified copy of order dated 15.06.2017 passed by the learned CJM, Mewat has been

placed on record as Annexure P6 in CRM-M-17976-2017.

Heard learned counsel for the parties.

It is not in dispute that the petitioners have appeared before the learned trial Court pursuant to interim orders passed by this Court and their custodial interrogation is not required. No recovery is to be effected from them.

There is no allegation that the petitioners are likely to abscond or that they are likely to dissuade the witnesses from deposing true facts before the learned trial Court, if released on bail.

Keeping in view the facts and circumstances of the case but without expressing any opinion on the merits of the case, it is considered just and expedient to allow these petitions. Consequently, interim bail afforded to the petitioners by the learned CJM, Mewat pursuant to order 27.04.2017 passed in CRM-M-14224-2017 and order dated 06.06.2017 passed in CRM-M-17976-2017 is made absolute subject to the petitioners furnishing fresh bail bonds and surety to the satisfaction of the learned CJM, Mewat.

None of the observations made here-in-above shall be construed to be a reflection on merits of the case and shall have no bearing on trial.

09.08.2017
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(LISA GILL)
JUDGE

Note: Whether speaking/reasoned

Yes / No

Whether Reportable:

Yes / No