

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

Criminal Misc. No.M- 16384 of 2017(O&M)

Date of Decision: November 1 , 2017.

Salindro PETITIONER (s)

Versus

State of Haryana RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Ram Pal Verma, Advocate
for the petitioner.

Mr. Himmat Singh, DAG, Haryana.

Mr. Shashikant Gupta, Advocate
for the complainant and victim.

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.

Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No.49 dated 06.09.2016 under Sections 120B/328/376/506 IPC registered at Police Station Women, Kurukshetra District Kurukshetra.

It is submitted that the petitioner has been falsely implicated in this FIR registered at instance of the husband of the alleged victim. As per the FIR, the petitioner is alleged to have served the complainant's wife a cold-drink laced

with some intoxicant. The complainant's wife is thereafter alleged to be subjected to rape by the co-accused, Vinod son of Gurdev (in custody). It is submitted that in the interregnum the victim in this case i.e., the complainant's wife has submitted an affidavit dated 20.10.2016 (Annexure P2) that the FIR in question was registered by her husband on account of certain misunderstandings. The allegations levelled by the complainant against the petitioner are not correct. It is submitted that the petitioner has joined investigation and undertakes to face the proceedings and not abuse the concession of anticipatory bail, if granted to her. It is, therefore, prayed that this petition be allowed.

Mr. Gupta, learned counsel for the complainant as well as the victim verifies the execution of the abovesaid affidavit by the victim. It is stated that the complainant as well as the victim have no objection in case this petition is allowed. At this stage, it is necessary to mention that the veracity/effect of the said affidavit, needless to say, shall be subject to investigation/trial.

Learned counsel for the State, on instructions from ASI Mukesh Kumari, informs that the petitioner has since joined investigation. Her custodial interrogation is not required. She is not reported to be involved in any other criminal case.

There are no allegations on behalf of the State that the petitioner is likely to abscond or that she is likely to dissuade the witnesses from deposing true facts in the Court, if released on bail.

Keeping in view the facts and circumstances of the case, but without commenting upon or expressing any opinion on the merits of the case,

this petition is allowed. In the event of arrest of the petitioner, she be released on bail to the satisfaction of Investigating/Arresting Officer. She shall join investigation as and when required by the investigating agency. Petitioner shall comply with the conditions stipulated in Section 438(2) Cr.P.C.

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.

November 1 , 2017.
'om'

(**LISA GILL**)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No