

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

Crl. Misc. No. M-18943 of 2017

Date of Decision : September 28,2017

Abhishek Sharma.....Petitioner

Versus

State of Haryana..... Respondent

CORAM : HON'BLE MRS. JUSTICE LISA GILL

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Present: Mr. Sachin Mittal, Advocate
for the petitioner.

Mr. Sanjay K. Saini, AAG, Haryana.

Mr. S.K.Hooda, Advocate
for the complainant.

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LISA GILL, J. (Oral)

The petitioner seeks the concession of anticipatory bail in FIR No.71 dated 24.03.2017 under Sections 376, 506 IPC registered at Women Police Station, Gurugram.

It is contended that the petitioner has been falsely implicated in this case. It is also submitted that a similar complaint had been lodged by the victim against another person namely Karan Mill raising similar allegations in FIR No. 426 dated 25.04.2016. It is informed that the complainant in the above said case compromised the matter. Learned counsel for the petitioner further urges that even if the relationship between the parties is accepted for the sake of arguments, it was consensual in nature. No offence under Sections 376/506 IPC is made out. The petitioner

is not involved in any other case, therefore, it is prayed that this petition be allowed.

Heard learned counsel for the parties. FIR No. 426 dated 25.04.2016 produced in Court at the time of arguments is perused as well.

Learned counsel for the State, on instructions from SI Raj Bala, Women Police Station, Gurugram, verifies that FIR No. 426 dated 25.04.2016 was in fact lodged at the instance of the complainant. Cancellation report was submitted in FIR No. 426 after about one month of its lodging due to a settlement arrived at between the parties. It is verified that the petitioner has joined investigation pursuant to interim orders passed by this Court and his custodial interrogation is not required. No recovery is to be effected from him. The petitioner is not reported to be involved in any other criminal case. There is no allegation that the petitioner is likely to abscond or that he is 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 this petition. Consequently, order dated 01.06.2017 is made absolute.

28.09.2017
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(LISA GILL)
JUDGE

Note: Whether speaking/reasoned

Yes / No

Whether Reportable:

Yes / No