

Criminal Misc. M- No. 20250 of 2017 (O&M)

Date of decision : July 18, 2017

Joginder Singh

.....Petitioner

Versus

State of Haryana

....Respondent

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Arun Sharma, Advocate
for the petitioner.

Mr. Sanjay K. Saini, AAG, Haryana.

Mr. Vikram Singh Narwal, Advocate
for the complainant.

LISA GILL, J.

The petitioner prays for concession of anticipatory bail in FIR No. 956 dated 06.11.2016 registered under Sections 365, 180 IPC at Police Station City Thanesar, District Kurukshetra.

While issuing notice of motion, in this case, the following order was passed:-

“ It is contended that petitioner has been falsely implicated in FIR No. 956 dated 06.11.2016 under Sections 365, 180 IPC registered at Police Station City Thanesar, District Kurukshetra because the petitioner's son and the daughter of the complainant (alleged victim) had wanted to get married against the wishes of the complainant. FIR No. 272 dated 27.09.2016 under Section 506 IPC and Section 6 of the Protection of Children from Sexual Offences Act, 2012 was registered at Police Station Ladwa, District Kurukshetra against the petitioner's son. Petitioner's son was afforded the concession of bail by this Court vide order dated 30.03.2017 (Annexure P2)

wherein it is noted that the learned counsel for the State, on instructions, informed that the alleged victim had proceeded to Patna to stay with her aunt (Maasi).

Notice of motion for 18.7.2017.

Arrest of the petitioner shall remain stayed till the next date of hearing.”

It is informed that the victim, in this case, has since deposed in the matter arising out of FIR No. 272 of 2016 on 06.05.2017. She has testified before the learned trial Court. Relevant part of her testimony is reproduced as hereunder:-

“ My custody was handed over to my parents vide memo Ex. P1 and I returned home. Thereafter, I started living my maternal uncle Shri Manjeet Singh. Thereafter, my paternal aunt Smt. Nirmal Kaur took me with her to Gurdaspur. Thereafter, Joginder Singh father of Kanwar Pal took me with him to West Bengal where I lived with the sister and brother-in-law of Kanwar Pal. I was kept nicely and properly there. After two-three months I made a telephone call to my sister Simran Kaur who informed my mother. Thereafter, my mother, my maternal uncle and police officials came to the house where I was staying and they brought me back.”

Learned counsel for the State, on instructions from SI Raghubir Singh, verifies that the petitioner has joined investigation and his custodial interrogation is not required. Learned counsel for the complainant does not deny the testimony of the victim recorded on 06.05.2017 as above.

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 noted above but without expressing any opinion on the merits of case, it is considered just

and expedient to allow this petition. Consequently, order dated 01.06.2017
is made absolute.

July 18, 2017
rts

(Lisa Gill)
Judge

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