

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

**Criminal Misc. No.M- 24720 of 2016(O&M)**

**Date of Decision: October 26 , 2017.**

Bijender Singh ..... PETITIONER (s)

**Versus**

State of Haryana and another ..... RESPONDENT (s)

**CORAM:- HON'BLE MRS.JUSTICE LISA GILL**

Present: Mr. Navneet Singh, Advocate  
for the petitioner.

Mr. Anmol Malik, AAG, Haryana.

None for the complainant/respondent No.2.

\*\*\*\*\*

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, who is the father-in-law of the complainant seeks the concession of anticipatory bail in FIR No.37 dated 13.06.2016 under Sections 323/34/376/406/498A/506 IPC registered at Police Station Women, District Sonipat.

It is submitted that the petitioner, who is an old man suffering from various ailments, has been falsely implicated in this case only because of his relationship with the complainant and her husband. It is further contended that

the complainant in her statement under Section 164 Cr.P.C. has not reiterated the allegations attracting the rigours of Section 376 IPC against the present petitioner. The petitioner's son and wife (husband and mother-in-law of the complainant, respectively) have been afforded the concession of anticipatory bail by the learned Additional Sessions Judge, Sonapat. The petitioner has joined investigation. No recovery is to be effected from him. Moreover, petition under Section 13 of the Hindu Marriage Act, 1955 has been filed by the petitioner's son. It is specifically mentioned therein that the complainant was having an affair with another person, namely, Kishan and the relationship persisted after marriage as well.

It is to be noted that this matter was kept pending in order to explore the possibility of an amicable resolution of matrimonial dispute between the petitioner's son and the complainant/respondent No.2. Despite service, none had appeared on behalf of respondent No.2. The complainant/respondent No.2 as well as her father were duly intimated of the date fixed in this case by the concerned police official as well. However, none appeared on behalf of respondent No.2.

Learned counsel for the State on instructions which were received on previous occasion, submits that the complainant has even refused to accept the dowry articles handed over by the accused persons. It is verified that the petitioner has joined investigation. He is not involved in any other criminal case.

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 peculiar facts and circumstances as above but without commenting upon or expressing any opinion on the merits of the case, this petition is allowed. Consequently, order dated 24.05.2017 is made absolute.

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.

October 26 , 2017.  
'om'

( **LISA GILL** )  
**JUDGE**

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