

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

Criminal Misc. No.M- 27416 of 2016(O&M)

Date of Decision: March 27 , 2017.

Fateh Singh PETITIONER (s)

Versus

State of Haryana RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Satya Vir Singh Yadav, Advocate
for the petitioner.

Mr. Anmol Malik, AAG, Haryana.

Mr. Rajiv Kumar Saini, Advocate
for the complainant.

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.

CRM No.4123 of 2017

Annexures P4 to P10 are taken on record subject to just exceptions. Filing of certified copies thereof is exempted.

Application is disposed of.

CRM No.M-27416 of 2016

Prayer in this petition is for grant of anticipatory bail to the

petitioner in FIR No.0092 dated 28.07.2016 under Section 8 of the Protection of Children from Sexual Offences Act, 2012 and Section 506 IPC registered at Police Station Women, Karnal (challan presented under Section 6 of the POCSO Act and Section 506 IPC).

It is contended that the petitioner has been falsely implicated in this case due to previous enmity with the complainant. It is submitted that the complainant was involved in an eve-teasing matter and he held the belief that the petitioner was responsible. The complainant's brother passed away and he has been holding a deep seated grudge against the petitioner. Reference is made to judgment dated 02.07.1996 (Annexure P5) vide which the complainant was convicted for the offence punishable under Section 294 IPC though he was let off with an admonition. Subsequent to the grant of interim relief to the petitioner by this Court, the complainant, it is submitted, filed a false application to the effect that the petitioner is pressurizing them for a compromise. The said matter was inquired into and as per report dated 20.11.2016 by the Incharge of the Police Post Salwan (Annexure P10), it is mentioned that the petitioner was not even living in his village on account of fear from the complainant. He was found to be residing in Assandh for the last three months. It is submitted that the petitioner undertakes not to misuse the concession of bail, if granted to him.

As per affidavit dated 14.03.2017 filed by the Deputy Superintendent of Police Crime Against Women, Karnal, it is mentioned that the complaint dated 19.11.2016 (Annexure P6) submitted by the complainant in the present case was inquired into and it was found as no truth was found in

the allegations therein. The petitioner was found to be living in Assandh for the last three months. Statements of the complainant and other villagers were recorded.

It is informed by learned counsel for the State that challan/final report under Section 173 Cr.P.C. has since been presented on 05.11.2016. Custodial interrogation of the petitioner is not required. No recovery is to be effected from him.

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 as above but without commenting upon or expressing any opinion on the merits of the case, this petition is allowed. Consequently, order dated 12.08.2016 is made absolute. Needless to say that the complainant is at liberty to avail remedies in case the petitioner misuses the concession of bail afforded to him at any stage.

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.

March 27 , 2017.
'om'

(LISA GILL)
JUDGE

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