

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

CRM-M-28149-2016 (O&M)

Date of decision : 05.09.2017

Anil Sharma

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

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

Ms. Mahima Yashpal, AAG, Haryana,
assisted by SI Raghubeer Singh.

Mr. Sharad Aggarwal, Advocate for the complainant.

JITENDRA CHAUHAN, J. (Oral)

The instant petition has been filed under Section 438 of the Code of Criminal Procedure (for short, 'the Cr.P.C.') seeking pre-arrest bail in FIR No.733 dated 17.07.2016, registered under Section 354(D) and 506 of the Indian Penal Code (for short 'the IPC') at P.S. City Karnal, Distt. Karnal.

It is contended that earlier also, a false complaint had been lodged at the behest of the complainant, against the petitioner under Sections 376, 328 and 506 IPC, wherein, the petitioner was acquitted of all the offences except only under Section 354(D) IPC. The complainant has been inimical towards the petitioner as he being a social activist, brought to light the fact that the complainant had been in job with two establishments simultaneously. An FIR under Section 420 IPC already stands registered

against the complainant, in this regard and the matter is under investigation. There is no other complaint against the petitioner by any other person.

On the other hand, learned State counsel has opposed the instant petition. On instructions, she states that earlier also, the petitioner stands convicted under Section 354(D) IPC in FIR No.756 dated 21.09.2013, registered at the behest of the present complainant. In FIR No.315 dated 04.05.2015, registered under Section 420 IPC against the complainant by the present petition, a cancellation report was filed but the same was not accepted by learned trial Court. The matter was further investigated and again a cancellation report was filed on 30.03.2017. It is further informed that after the petitioner was released on interim bail, one more FIR bearing No.943 dated 03.11.2016, under Sections 354, 332 and 186 IPC has been lodged by the complainant against the petitioner, wherein, challan has been presented on 08.02.2017.

On behalf of the complainant it is submitted that the petitioner has been continuously harassing and torturing the complainant. Not only this, the petitioner has been intimidating various officers of Haryana Vidyut Prasaran Nigam Ltd. and deterring them from performing their duties.

Heard.

It is an admitted fact that the parties are engaged in multiple litigation against each other. In an earlier complaint lodged by the complainant, the petitioner already stands convicted under Section 354(D) IPC. In the present FIR as well, serious and specific allegations have been levelled against the petitioner. It has also come on record that the petitioner has also been harassing colleagues of the complainant and a DDR was

proposed to be recorded against the petitioner.

In these circumstances, this Court is not inclined to grant the relief sought in the instant petition.

Dismissed.

However, nothing noticed hereinabove shall be construed as an expression of opinion on the merits of the case.

05.09.2017

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(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned :	Yes	No
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Whether Reportable :	Yes	No
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