

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

Criminal Misc. No.M- 39355 of 2017(O&M)

Date of Decision: December 5 , 2017.

Kunwar Pal Tiwari

..... PETITIONER (s)

Versus

State of Haryana

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Kunal Muthreja, Advocate
for the petitioner.

Mr. Sanjay K.Saini, AAG, Haryana.

Mr. Pawan Gaur, 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.

Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No.826 dated 09.08.2017 under Sections 195A/341/354/506 IPC registered at Police Station Faridabad Central, District Faridabad.

Contentions on behalf of the petitioner as noted by this Court on 13.10.2017 while issuing notice of motion, read as under:-

“It is submitted that there is a delay in the lodging of the FIR. The incident in question is alleged to have taken place on 08.03.2017 whereas the FIR is registered on 09.08.2017. It is

further submitted that the petitioner has filed complaint under Sections 323, 420, 406, 504, 506 IPC (Annexure P-3) against the complainant and her husband in which they have been summoned to face trial (Annexure P-4). The complainant has earlier lodged FIR No. 673 dated 02.08.2016 under Sections 354, 506 IPC against the petitioner in an absolutely mala fide manner. Moreover, the matter was looked into by the police authorities. It was found that the allegations raised by the complainant are incorrect.”

Learned counsel for the petitioner submits that the petitioner has joined investigation pursuant to order dated 13.10.2017. He undertakes to face the proceedings and not misuse the concession of anticipatory bail, if confirmed. Therefore, it is prayed that this petition be allowed.

Heard learned counsel for the parties.

Learned counsel for the State, on instructions from ASI Rakesh Kumar, submits that the petitioner has joined investigation. His custodial interrogation is not required. No recovery is to be effected from him. It is verified that the complainant earlier lodged FIR no.673 dated 02.08.2016 under Sections 354/506 IPC. The allegations were found to be incorrect.

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 before the Court, if released on bail.

Keeping in view the facts and circumstances of the case but without commenting upon or expressing any opinion on the merits thereof, this petition is allowed. Consequently, order dated 13.10.2017 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.

December 5 , 2017.
'om'

(**LISA GILL**)
JUDGE

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