

Criminal Misc. M- No.41308 of 2016 (O&M)

Date of decision : April 27, 2017

Subhash

.....Petitioner

Versus

State of Haryana and another

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILLPresent: Mr. Anil Kumar Sharma, Advocate
for the petitioner.

Mr. Anmol Malik, AAG, Haryana.

None for respondent No. 2.

LISA GILL, J.

Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No. 178 dated 16.10.2016 registered under Sections 354A, 506 IPC and Section 452 IPC added later at Police Station Bawal.

It is submitted that the petitioner has been falsely implicated on account of differences and litigation of the complainant with the previous employer of the petitioner. Furthermore, the petitioner, it is submitted, was not present at the place of occurrence as alleged, as he was engaged in loading of luggage at Koya Barring Company at Banipur. Thereafter, he proceeded to the Maruti Company Manesar to unload the goods. The above said FIR has been registered on account of certain misunderstandings. The complainant has now realised her mistake and does not wish to pursue the matter. It is submitted that the petitioner has joined investigation pursuant to order dated 21.11.2016 passed by this Court. Therefore, this petition be allowed.

Learned counsel for the State while opposing this petition submits that even if the averment of the petitioner in regard to his presence at the concerned company is accepted, it is near the place of occurrence and the petitioner could easily have reached the said place within the given time frame.

Learned counsel for the State, on instructions from ASI Jaswant Singh, however, does not deny that the petitioner has joined investigation. His custodial interrogation in this case, it is stated, is not required. The averments regarding the complainant not wishing to pursue the matter are denied for want of knowledge. The petitioner is admittedly not involved in any other 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 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 21.11.2016 is made absolute.

April 27, 2017
rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes

Whether reportable : Yes/No