

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

**CRM No.M-42248 of 2016 (O&M)  
Decided on: 13.01.2017**

Sanjay @ Sanju

....Petitioner

Versus

State of Haryana and another

....Respondents

**CORAM: HON'BLE MRS JUSTICE REKHA MITTAL**

**Present :** Mr. Vinod Bhardwaj, Advocate  
for the petitioner.

Ms. Dimple Jain, AAG, Haryana  
assisted with ASI Veena, P.S. Kaithal (Women).

Mr. Balraj Singh, Advocate  
for respondent No.2.

**REKHA MITTAL, J. (Oral)**

**CRM No.39402 of 2016**

Allowed as prayed for.

Annexures P6 to P9 are taken on record subject to just  
exceptions.

**CRM No.M-42248 of 2016 (O&M)**

The petitioner prays for grant of regular bail under Section  
439 of the Code of Criminal Procedure (in short 'Cr.P.C.') for offence  
punishable under Sections 328, 376 and 506 of the Indian Penal Code  
(in short 'IPC') registered in Mahila Police Station, District Kaithal.

Counsel for the petitioner has submitted that a false FIR  
has been got registered by the complainant in order to wriggle out of  
her liability qua agreement to sell in respect of land measuring 31  
kanals 02 marlas executed in favour of Ramphal son of Mohar Singh

resident of village Sarsa wherein the present petitioner acted as a mediator. It is further submitted that in September, 2015, complainant lodged a complaint with the police expressing her grievance with regard to misappropriation of money at the behest of the petitioner qua land and agreement to sell by denying the factum of any such agreement having been executed by them. In the said complaint, no allegations with regard to sexual assault upon the complainant by the petitioner were mentioned. It is further argued that allegations raised in the present FIR are quite general and vague without specifying the date, month and year when the complainant went to the petitioner for her treatment. The last submission made by counsel is that the petitioner is in custody since 21.08.2016, challan has been presented in the Court on completion of investigation but conclusion of trial is likely to take its own time. The petitioner is ready to face the proceedings without any default.

Counsel for the State has not disputed the fact brought forth in the complaint filed by the complainant in September, 2015 whereby action was sought to be taken against the petitioner with regard to misappropriation of money. However, she has opposed the bail application.

Counsel for the complainant has submitted that in view of gravity of allegations against the petitioner he is not entitled to be released on bail.

I have heard counsel for the parties, perused the paperbook and various annexures.

Be that as it may, it is admitted position of the case that in

the earlier complaint made by Roshni Devi in September, 2015 she has not levelled any allegation of sexual assault at the behest of the petitioner much less since long time. Conclusion of trial is likely to take its own time. There is no allegation against the petitioner that he is likely to abscond or flee from the process of justice in case released on bail.

Without commenting upon merits of the case, the petitioner is ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of the trial Court. However, he shall abide by the following conditions:-

- (i) He shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer; and*
- (ii) He shall not leave India without the previous permission of the Court.*

**13.01.2017**  
*yakub*

**(REKHA MITTAL)**  
**JUDGE**

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