

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

CRM-M-45482 of 2016(O&M)

Date of decision : 03.11.2017

Farman and another

..... Petitioners

Versus

State of Haryana and Anr.

..... Respondents

CORAM : HON'BLE MRS. JUSTICE LISA GILL

Present: Mr.Sarfraj Hussain, Advocate
for the petitioner.

Mr.Ramesh Kumar, AAG, Haryana.

None for respondent no.2.

LISA GILL,J(Oral)

Petitioner seeks the concession of anticipatory bail in FIR No.1487 dated 16.11.2016, under Section 6 of the Protection of Children from Sexual Offences Act, 2012, registered at Police Station Panipat City, District Panipat, Haryana.

It is submitted that the present FIR has been lodged only due to matrimonial discord between respondent no.2 and petitioner no.1. The complainant is admittedly the wife of petitioner no.1. Petitioner no.2 is owner of the house where the complainant and petitioner no.1 were living on rent. Reference is made to the medical evidence (Annexure P-1) to say that no such injury was found on the person of the victim at the time of examination to indicate the commission of any offence. The medical examination was admittedly conducted immediately. As per the doctors

opinion, the old torn hymen with healed tags of epithelium could be due to strenuous activities like bicycle riding, dancing, jumping etc. It is submitted that respondent no.2 has realized her mistake and she has informed the police in this respect. It is further submitted that it is unimaginable that petitioner no.1, who is the father of the alleged victim in this case would allow petitioner no.2 to indulge in such activity with his daughter. F.S.L. report dated 26.04.2017, it is urged does not reflect the commission of any offence by the petitioners. The complainant/ respondent no.2 in her statement under Section 164 Cr.P.C. has clarified the whole position. The petitioners are not involved in any other case, therefore this petition be allowed.

Learned counsel for the State, on instructions from ASI Gayatri Devi, verifies the said medico legal report dated 16.11.2016, F.S.L. report dated 26.04.2017 as well as the doctors opinion as mentioned above. It is not denied that the complainant in her statement under Section 164 Cr.P.C. recorded on 18.11.2016 before the learned Judicial Magistrate Ist Class, Panipat, stated that she and her husband often used to quarrel with each other. Few days prior, there was a quarrel between them. Pursuant thereto, petitioner no.1 physically abused her as well as their daughter. Thereafter, the complainant went to her friend's house (namely Zareena). The complainant's friend it is stated, incited her and the above said case was accordingly lodged.

It is verified that the petitioners are not involved in any other criminal case. It is stated that they have joined investigation and their custodial interrogation is not required. There are no allegations on behalf

of the State that the petitioners are likely to abscond or that they are 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, specifically the settlement between the parties, but without commenting upon or expressing any opinion on the merits of the case, this petition is allowed. Consequently, order dated 20.12.2016, is made absolute.

It is reiterated that none of the observations made herein above are a reflection on the merits of the case and shall have no bearing on the trial.

03.11.2017

s.khan

**(LISA GILL)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable: Yes/No