

CRM-M No. 46778 of 2016 (O&M)

Date of decision : February 09, 2017

HASSAN MOHD

.....Petitioner

Versus

STATE OF HARYANA

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Rajesh Lamba, Advocate
for the petitioner.

Mr. Anmol Malik, AAG, Haryana.

LISA GILL, J.

Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No. 67 dated 05.05.2016 registered under Sections 120-B, 376, 506, 511 IPC at Police Station Women, District Faridabad.

Learned counsel for the petitioner submits that the petitioner is the father-in-law of the complainant, who was married with Farid Khan, the petitioner's son, on 15.12.2012. FIR No. 642 dated 23.11.2015 was lodged under Sections 498A, 34 IPC (Annexure P-2) at her behest against seven family members of her in-laws family including the petitioner. Subsequently, the present FIR was lodged on an application dated 30.04.2016 submitted by the petitioner's daughter-in-law. The allegations of attempt to rape have been raised in a mala fide manner against the present petitioner in this FIR. It is submitted that there is a contradiction in the version given in the FIR and the statement of the complainant recorded

under Section 164 Cr.P.C. before the Judicial Magistrate First Class, Faridabad. In the said statement under Section 164 Cr.P.C., only allegations of harassment (ched chad) are raised. The petitioner has joined investigation pursuant to order dated 29.12.2016. Therefore, this petition be allowed.

Learned counsel for the State, on instructions from ASI Sushila, Police Station Women, Faridabad verifies that the petitioner has joined investigation. It is further submitted that his custodial interrogation is no longer required. No recovery has to be effected from him. The above noted discrepancy in the FIR and the statement suffered by the complainant under Section 164 Cr.P.C. is not denied.

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 29.12.2016 is made absolute.

February 09, 2017
rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes

Whether reportable : Yes/No