

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

**CRM-M-10835 of 2017 (O&M)
Date of Decision:14.03.2018**

Raj Kumar Sharma

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr.Kiran Kumar Madan, Advocate
for the petitioner.

Mr. Ramesh Kumar, AAG., Haryana.

Mr. H.S.Jaswal, Advocate
for the complainant.

LISA GILL, J(Oral).

Petitioner seeks the concession of anticipatory bail in FIR No.18 dated 08.02.2017, under Sections 323, 498-A, 354-A(1), 406, 506 IPC (offence under Section 354-A(1) IPC later replaced with Section 354 IPC), registered at Police Station Women, Ambala.

It is submitted that the petitioner, who is a Subedar retired from Indian Army is the father-in-law of the complainant and has been falsely implicated in this case. Absolutely false and incorrect allegations have been levelled in the FIR that the petitioner on 07.01.2016 committed any kind of indecent act with the complainant at 09.30.p.m.

Learned counsel for the petitioner vehemently argues that considerable delay in lodging of the complaint on 04.10.2016 on the basis of which the present FIR dated 08.02.2017 was registered, is a reflection of the falsity of the allegations. It is further stated that the petitioner's land in Haridwar has been usurped by the maternal uncle (Mama) of the

complainant in respect to which FIR No. 90 dated 30.04.2017 has been registered at Haridwar. Subsequently, during the pendency of this petition, the complainant's father had called the petitioner's daughter and used indecent and obscene language. He had threatened her with dire consequences in respect to which FIR No. 781 dated 30.11.2017 already stands registered. It is submitted that the co-accused i.e. the mother-in-law and the husband of the complainant have been afforded the concession of bail pending trial. Final report under Section 173 Cr.P.C., against the said accused already stands presented. The petitioner undertakes to face the proceedings and not abuse the concession of anticipatory bail, if confirmed. It is thus prayed that this petition be allowed.

Learned counsel for the complainant opposes this petition while submitting that both the FIR's registered against the complainant side are absolutely frivolous and in any case subject matter of trial. It is further submitted that the land in question was already on lease with the complainant's maternal uncle. Serious allegations have been levelled against the petitioner. Therefore, this petition be dismissed.

Learned counsel for the State, on instructions from ASI Daya, verifies that the petitioner has joined investigation pursuant to interim order dated 06.04.2017 and his custodial interrogation is not required. The petitioner is not reported to be involved in any other criminal case. Learned counsel for the State further submits that the final report under Section 173 Cr.P.C., in this case qua the petitioner is ready and is likely to be filed within the next two weeks itself.

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 as above, but without commenting upon or expressing any opinion on the merits of the case, this petition is allowed. Consequently, order dated 06.04.2017 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.

14.03.2018
s.khan

[LISA GILL]
Judge

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