

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-17131 of 2018(O&M)

Date of Decision: 03.05.2018

Jamshed

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

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

Mr. Ramesh K. Ambavta, AAG., Haryana.

LISA GILL, J (Oral).

Petitioner seeks the concession of anticipatory bail in FIR No. 47, dated 13.03.2018, under Sections 323, 354, 452 IPC, registered at Police Station Sohna, District Gurugram.

As per allegations in the FIR, the petitioner came to the complainant's house on 12.03.2018 at 12.00 noon, caught hold of the complainant from her hair, slapped her and tried to misbehave with her. It is alleged that when the complainant raised a hue and cry, two of her neighbours came to the spot and she was saved. Abovesaid FIR was registered on these allegations on the next day i.e. 13.03.2018.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case primarily due to party faction in the area. There is an unexplained delay in lodging of the FIR, which shows that the entire story has been concocted. Moreover, a bare reading of the FIR would reflect that even if allegations for the sake of arguments are taken to be correct, at best it is an attempt to misbehave on the part of the petitioner. It is thus debatable whether Section 354 IPC is attracted in this situation. It

is thus prayed that this petition be allowed.

Heard learned counsel for the parties.

As per the Medico Legal Report dated 12.03.2018, available on the police file, three injuries are mentioned i.e. a mild reddish abrasion on the left cheek, complaint of pain in the scalp and complaint of pain on the cheek. FIR in respect to the alleged incident which took place on 12.03.2018 was registered on 13.03.2018.

Learned counsel for the State, on instructions from ASI Satpal, verifies that the petitioner is not involved in any other criminal 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 as above but without commenting upon or expressing any opinion on the merits of the case, this petition is allowed.

In the event of arrest of the petitioner, he be released on bail to the satisfaction of the Arresting/investigating Officer. The petitioner shall join investigation as and when called upon to do so. Petitioner shall comply with the conditions stipulated in Section 438(2) Cr.P.C.

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.

03.05.2018
s.khan

[LISA GILL]
Judge

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