

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

CRM M-1911 of 2018.

Date of Decision: 10.12.2018.

Anil Sharma

... Petitioner

Versus

State of Haryana

... Respondent

CORAM : Hon'ble Mr. Justice Jitendra Chauhan

Present : Petitioner in person with
Mr. Sandeep Kumar, Advocate for
Mr. Vikram Singh, Advocate.

Mr. Kapil Bansal, DAG Haryana assisted by
ASI Pawan Kumar.

Complainant in person with
Ms. Amrita Nagpal, Advocate.

JITENDRA CHAUHAN.J.

This is second regular bail application filed in case
FIR No. 733 dated 17.07.2016 registered under Sections 354-D and
506 IPC at Police Station City Karnal, District Karnal.

It is contended that the petitioner has been falsely
implicated in the present case. The present FIR is a counter blast to the
complaint moved by the petitioner against the complainant.

On the other hand, the learned State counsel and
learned counsel for the complainant oppose the bail application.

Heard.

On 19.04.2018, the following order was passed by
this Court:-

“In pursuance of order dated 06.04.2018, affidavit of the

petitioner has been filed in Court which is taken on record. In the affidavit, the petitioner has stated that he is full of remorse for his wrongful conduct and wants to tender unconditional apology in the matter. He undertakes not to harass the complainant or to interfere in her day to day life in future. He further undertakes to withdraw all the complaints pending before the Court.

At this stage, learned counsel for the complainant, on instructions states that apart from the Court there are complaints made by the petitioner and his wife in the office of the complainant.

Learned counsel appearing on behalf of the petitioner, on instructions states that he has been authorized to state that all the complaints filed by the petitioner, his wife or any family member shall be withdrawn within 10 days from today.

In this view of the matter, learned counsel for the complainant, on instructions submits that in view of the assurance and the affidavit, the complainant will have no objection in case the petitioner is released on interim bail.

Learned State counsel submits that in view of the consensus reached between the parties, he does not oppose the bail petition.

Heard.

Considering the conduct of the petitioner, the nature of allegations, the assurance and the affidavit tendered by the petitioner, the Court is inclined to release the petitioner on interim bail for a period of three months on his furnishing bail/surety bonds to the satisfaction of releasing Court. The date of surrender shall be indicated by the releasing Court.”

Learned State counsel informs that the FIR case was listed on 05.12.2018 when one Dr. Rakesh Kumar Sardana was to be examined as a prosecution witness. However, the proceedings could not take place as the Presiding Officer was on leave. In the evening of

05.12.2018, the petitioner made a phone call and threatened the said prosecution witness Rakesh Kumar Sardana. He has filed a complaint which is under investigation. A copy of the complaint and the compact disc. of the conversation filed by the learned State counsel in the Court are taken on record as Mark-A and Mark-B.

Heard.

On 19.04.2018, the petitioner filed a specific affidavit tendering unconditional apology to the complainant for his wrongful conduct towards her. On the assurance given by the petitioner that he will not further harass her, the interim bail application was not opposed by the complainant. In view of the statement made by the complainant, even the bail was not opposed by the State. However, despite positive undertaking, the petitioner has not improved his conduct and has been continuously harassing and stalking the complainant and is doing everything to damage her reputation in the society. Taking into consideration the repeated allegations of harassment and stalking of the complainant with an effort to foster personal interaction with her coupled with his conduct of threatening the prosecution witness, the Court feels that the petitioner has breached the sanctity of the affidavit and the assurance given to this Court. Therefore, the Court feels that the petitioner has misused the concession of bail and does not deserve any compassion. Keeping in view the conduct of the petitioner, no ground is made out to grant the concession of regular bail.

Dismissed.

Anything said herein above shall not be construed as
an expression of opinion on the merits of the case.

10.12.2018.
SN

(JITENDRA CHAUHAN)
JUDGE

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