

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-19542 of 2017 (O&M)

Date of Decision:15.02.2018

Ajeet Singh

.....Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM : HON'BLE MRS. JUSTICE LISA GILL

Present: Mr.Gautam Dutt, Advocate
for the petitioner.

Mr. Ramesh Kumar. AAG., Haryana

Mr.K.K.Saini, Advocate
for respondent no.2.

LISA GILL, J(Oral).

Petitioner seeks the concession of anticipatory bail in FIR No.70 dated 08.05.2017, under Sections 323, 377, 384, 498-A, 506 IPC, registered at Police Station Women Police Station, Faridabad.

It is submitted that marriage between the petitioner and the complainant was solemnized in the year 1994. Two children were born out of this wedlock. Their daughter is major and the son aged about 17 ½ years. It is submitted that abovesaid FIR has been registered due to temperamental differences as well as certain differences which arose after the death of the petitioner's father in January 2016. As per the allegations in the FIR, the petitioner was entrapped and entangled in a web cast by one Anupama Joshi in the year 2007. She was a frequent visitor to their house. Allegations of blackmail by the said lady are raised. It is stated in the FIR that the petitioner

was also threatened by Anupama Joshi otherwise she would implicate him in a rape case. A demand of ₹50 lakhs was raised by her. The petitioner pressurized the complainant to arrange this amount from her relatives. The allegations attracting the offence punishable under Section 377 IPC are also levelled in the FIR. It is stated that expenses of the complainant and the children are not being borne by the petitioner and he is giving constant threats to their life.

Learned counsel for the petitioner argues that the petitioner and the complainant have been living separately from the year 2010. The first complaint was submitted by the complainant on 22.09.2016, thereafter on 26.12.2016 and then on 06.02.2017. All the said complaints were inquired into by an IPS Officer and the allegations against the petitioner were found to be incorrect. Moreover, in the said applications, no allegation attracting the offence punishable under Section 377 IPC was ever raised by the complainant. Petition under Section 13 of the Hindu Marriage Act, 1955 (Annexure P-2), was filed by the petitioner on 11.07.2016. Thereafter, the present FIR has been registered on 08.05.2017 on an application submitted by the complainant on 06.05.2017. Allegations attracting Section 377 IPC were raised for the first time in this complaint. It is contended that the petitioner is taking care of all the needs and requirements of the complainant as well as of both his children and shall continue to do so. The complainant and both the children are admittedly living in the matrimonial home. Moreover, he has joined investigation pursuant to the interim order passed by this Court on 03.07.2017. He undertakes to face the proceedings. It is thus prayed that this petition be allowed.

Learned counsel for the complainant has opposed this application, but is unable to deny that marriage between the parties took place in the year 1994. The complainant and the children are admittedly living in the matrimonial home as on date. There is no serious dispute regarding the averments that the needs and requirements of the complainant and the children have been looked after by the petitioner.

Learned counsel for the State, on instructions from ASI Saheed Ahmed, affirms and verifies that the petitioner has joined investigation and is not involved in any other criminal case. Mediation between the parties has failed.

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 03.07.2017, 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.

15.02.2018
s.khan

[LISA GILL]
Judge

Whether speaking/reasoned : Yes/No

Whether reportable: Yes/No