

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

210/A

CRM-M-26051-2018

Date of Decision: August 23, 2018

Avtar Singh

.....Petitioner(s)

versus

State of Haryana

.....Respondent(s)

CORAM: HON'BLE MR.JUSTICE SUDHIR MITTAL

Present: Mr. Manjit Singh Ahluwalia, Advocate for the petitioner.

Mr. D.R. Singla, DAG, Haryana.

Mr. S.P. Arora, Advocate and
Mr. Himanshu Arora, Advocate and Ms Neha Sharma, Advocate
for the applicant/complaint

Sudhir Mittal, J. (Oral)

This petition has been filed for grant of anticipatory bail to the petitioner in FIR No.04.04.2018, under sections 120-B, 302, 307, 323, 341, 342, 384, 385, 387, 419, 420, 467, 468, 471, 472, 473, 474, 497, 498-A IPC, registered at Police Station Yamuna Nagar City, Haryana.

2. Learned State counsel on instructions from ASI Balbair Singh, submits that pursuant to the order 15.06.2018, the petitioner has joined investigation and that after investigation by Sh. Raj Kumar, Deputy Superintendent of Police, a cancellation report has been prepared which shall be filed in court within approximately four weeks.

3. Learned counsel for the complainant submits that the complainant has

been terrorised by the petitioner for extremely long time. His contention recorded in order dated 15.06.2018 that allegation in the FIR that the petitioner stayed with the complainant on the night intervening of 18/19.09.2017, is factually incorrect and he made a statement before this Court in para 13 of the petition that he has himself averred that he stayed with his wife-Gurmeet Kaur on the night intervening 18/19-09-2017. Further, Gurmeet Kaur was admitted in hospital on 19.09.2017 as is evident from Annexure P-12 with CRM-29484 of 2018 and thus, it is apparent that the petitioner tried to strangle the complainant on the night intervening 18/19-09-2017. Thus, the petitioner does not deserve the concession of anticipatory bail.

4. Learned counsel for the petitioner submits that had the allegations against the petitioner been correct, delay of six days would not have taken place in approaching the Police. He submits that the first complaint made to the Police is dated 25.09.2017 which in itself shows that the incident has been concocted.

5. The admitted facts are that the incident of strangulation allegedly took place on the night intervening 18/19-09-2017 and that although the petitioner was admitted to the hospital on 19.09.2017, as is evident from Annexure P-12 annexed with CRM-M-29484-2018, the hospital record does not convey any complaint of alleged strangulation. The complainant was admitted for some other reasons. Moreover, the first complaint to the Police is dated 25.09.2017 which cleared the doubt regarding the truthfulness of the version mentioned in the FIR. After investigation, the Police has also found nothing against the petitioner and thus a cancellation report has been prepared. Under these circumstances, there is no reason to curtail the liberty of the petitioner.

6. In view of the above, interim order dated 15.06.2018, is made absolute. It is however, made clear that the petitioner shall appear before the Investigating

Agency if required by it in future.

7. The complainant shall also be at liberty to contest the cancellation report as and when it is filed.

August 23, 2018
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[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned :	Yes
Whether Reportable :	No