

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

Criminal Misc. No.M- 28614 of 2017(O&M)

Date of Decision: February 12 , 2018.

Sunny PETITIONER (s)

Versus

State of Haryana and others RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Pankaj Bali, Advocate
for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

Mr. Sumit Singh Bairagi, Advocate
for respondents No.2 and 3.

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

LISA GILL, J.

Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No.182 dated 15.05.2017 under Sections 365/328 IPC, registered at Police Station Indri, Karnal.

It is submitted that the petitioner has been falsely implicated in this case. In fact, the petitioner's mother and respondent No.3 – the alleged victim had friendly relations. An altercation, it is submitted, took place on 11.05.2017 between the petitioner's mother and respondent No.3. The complainant and his

relatives came to the petitioner's house on 14.05.2017 and started quarreling with the petitioner. The present FIR has been falsely registered against him. Moreover, respondent No.3 – the alleged victim suffered an affidavit (Annexure P3) before the Investigating Officer on 07.07.2017 to the effect that her husband, the complainant had a grudge against the petitioner due to which false allegations have been levelled. The petitioner is stated to be innocent. As per the allegations in the FIR, the victim and the complainant were married 14 years earlier and had two children. The victim is stated to be missing since 11.00 a.m. on 15.05.2017. An apprehension was raised by the complainant that the petitioner had kidnapped his wife and they took along some cash and jewellery with them. It is vehemently argued by learned counsel for the petitioner that absolutely false allegations have been raised against the petitioner. The petitioner, it is submitted, has joined investigation and he undertakes to face the proceedings and not misuse the concession of anticipatory bail, if afforded to him. The petitioner, it is stated, is not involved in any other criminal case. Therefore, it is prayed that this petition be allowed.

Learned counsel for the State, on instructions from ASI Satyawar, verifies that the petitioner has joined investigation. It is verified that the petitioner is not involved in any other criminal case.

As per reply dated 11/14.12.2017 filed by way of affidavit of Mr. Kushal Singh, HPS, Deputy Superintendent of Police, Indri, Karnal, it is mentioned that an inquiry was conducted by ASI Satyawar, who has taken note of the affidavit submitted by the alleged victim – respondent No.3 before the Inquiry Officer, namely, ASI Meena, Women Police Station Karnal stating that

the petitioner is not at fault.

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 before 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 10.10.2017 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.

February 12 , 2018.
'om'

(**LISA GILL**)
JUDGE

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