

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

Criminal Misc. No.M- 39570 of 2017(O&M)

Date of Decision: January 12 , 2018.

Harjot Singh

..... PETITIONER (s)

Versus

State of Punjab

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Davindera Dutt Sharma, Advocate
for the petitioner.

Ms. Monika Jalota, DAG, Punjab.

Mr. Gurcharan Dass, Advocate
for the complainant.

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.0213 dated 09.09.2017 under Sections 376/506 IPC, registered at Police Station Shimlapuri, District Ludhiana.

It is submitted that the petitioner has been falsely implicated in this case. The complainant was employed by the petitioner's firm in the year 2006 as a receptionist. Thereafter, she was given the work of managing the

accounts of the firm and she worked as an Assistant Accountant. The complainant worked with the petitioner's firm till 30.06.2015 when she left the job at her own will. However, the complainant was re-employed on 01.10.2015 as she expressed a dire need of employment. However, due to complaints of her misbehaviour with other employees/workers of the firm as also her negligence in work, a warning was issued to her. Ultimately, the complainant's services were terminated on 23.11.2016. Advance salary of one month and other benefits as made out were also given to her. Termination order dated 23.11.2016 of the complainant is attached as Annexure P1.

It is submitted that thereafter a complaint dated 01.02.2017 was moved by the complainant before the Commissioner of Police, Ludhiana seeking registration of FIR under Sections 376/354/323/506 IPC against the present petitioner. The said complaint was inquired into by the Assistant Commissioner of Police, Ludhiana and allegations therein against the petitioner were found to be incorrect as is reflected in Inquiry Report dated 28.03.2017 (Annexure P2). However, without disclosing the submission of an earlier complaint, the present FIR has been registered on 09.09.2017 against the petitioner. The petitioner, who is not involved in any other criminal case, has joined investigation pursuant to order dated 25.10.2017. He undertakes to face the proceedings and not misuse the concession of anticipatory bail, if confirmed. Therefore, it is prayed that this petition be allowed.

Learned counsel for the complainant submits that the police authorities are in connivance with the petitioner and are not investigating the matter fairly. The complainant had filed CRM No.M-23596 of 2017 for

issuance of directions to the police authorities for concluding the inquiry in respect to her representation dated 01.02.2017. She was not given a copy of the report despite specific requests as well as the application moved under the Right to Information Act. The FIR against the petitioner, it is submitted, has been correctly registered. However, it is not denied that in the abovesaid FIR there is no mention of the earlier application dated 01.02.2017 submitted by her or pendency of CRM No.M-23596 of 2017 before this Court. It is further not denied that the complainant was employed with the petitioner's firm.

Learned counsel for the State, on instructions from ASI Sukhwinder Singh, verifies that the petitioner has joined investigation in this case and his custodial interrogation is not required. The petitioner, it is verified, 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 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 25.10.2017 is made absolute.

It is made clear that the petitioner shall not directly or indirectly try to contact the complainant, any of her family members or witnesses in this case. Any such infraction on the part of the petitioner may entail cancellation of his bail.

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.

January 12 , 2018.
'om'

(LISA GILL)
JUDGE

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