

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-40339 of 2017(O&M)

Date of Decision: 15.1.2018

Hem Raj

..... PETITIONER (s)

Versus

State of Haryana and another

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr.Sanjeev Sharma, Advocate for the petitioner.

Mr.Sanjay K.Saini, AAG, Haryana.

Mr.Sushil Sharma, 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.40 dated 23.6.2016 under Sections 354-D, 328, 363, 506 IPC and Section 10 of POCSO Act, 2012 registered at Women Police Station, MDC Panchkula.

It is submitted that it is due to misunderstanding between the parties that the present FIR was registered. FIR No.208/2016 under Sections 323, 354-A, 452, 506, 147, 148 IPC was registered at Police Station Pinjore against the husband of the complainant and others. With the intervention of the Panchayat and respectables of the village, all misunderstandings

between the parties have been removed. It is submitted that medical evidence on record also does not indicate the commission of offence as alleged. Moreover, the petitioner has joined investigation and 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.

The effect or otherwise of the alleged compromise cannot be considered at this point of time. However, learned counsel for the State, on instructions from ASI Neena, P.S.Panchkula affirms and verifies that the petitioner is not involved in any other criminal case. The petitioner has joined investigation.

Learned counsel for the complainant specifically states that the complainant has no objection whatsoever in case this petition is allowed.

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 30.10.2017 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.

January 15, 2018.
Meenu

(LISA GILL)
JUDGE

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