

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-42524 of 2017(O&M)

Date of Decision: 09.02.2018

Jiwan Parkash

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr.Rajesh Bhardwaj, Advocate
for the petitioner.

Mr. Ramesh Kumar, AAG., Haryana.

Mr. T.C.Dhanwal, Advocate
for complainant-respondent no.2.

LISA GILL, J (Oral).

Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No. 507 dated 30.09.2017, under Sections 342, 376, 506 IPC, registered at Police Station Pehowa, District Kurukshetra.

Learned counsel for the petitioner submits that FIR No. 152 dated 25.03.2017, under Sections 384, 389 IPC (Annexure P-5) was registered at Police Station Pehowa, at the instance of the petitioner against the complainant in the present FIR as well as ASI Kailash Kaur and others. It is contended that the present is an attempt to extract money from the petitioner, who is a 69 year old man. The complainant alongwith ASI Kailash Kaur and others have formed a group for extorting money on the

basis of false complaints. No offence as alleged was ever committed by the petitioner in January 2017. It is further stated that FIR No. 303 dated 30.03.2017 (Annexure P-4) was also registered against the said ASI Kailash Kaur. The matter was later compromised and the said FIR was quashed on the basis of a compromise. ASI Kailash Kaur was placed under suspension. Moreover, the petitioner has joined investigation. He undertakes to face the proceedings and not abuse the concession of anticipatory bail, if confirmed.

Learned counsel for the complainant has vehemently opposed this petition while submitting that specific allegations have been raised against the petitioner. The complainant, it is submitted has been falsely implicated in FIR No. 507 dated 30.09.2017 and FIR No. 303 stands quashed, though on the basis of a compromise.

Learned counsel for the State, on instructions from ASI Saroj, verifies that the petitioner has joined investigation. He is not involved in any other criminal case. It is informed that ASI Kailash Kaur was indeed suspended but she has been reinstated, though inquiry against her is still pending. She is an accused in FIR no. 507 registered at the instance of the petitioner.

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 in 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 19.12.2017, is made absolute.

Petitioner shall not attempt to contact the victim or any of her family members/witnesses in any manner. Any such infraction may entail cancellation of bail afforded to him.

It is reiterated that none of the observations made herein above are a reflection on the merits of the case and shall have no bearing on the trial. The same are solely confined for the purpose of decision of the present petition.

09.02.2018
s.khan

[LISA GILL]
Judge

Whether speaking/reasoned : Yes/No.

Whether reportable : Yes/No.