

**Criminal Misc. No. M- 45801 of 2017 (O&M)**

Date of decision : February 05, 2018

Kamal Vohra

.....Petitioner

Versus

State of Haryana

....Respondent

**CORAM:- HON'BLE MRS. JUSTICE LISA GILL**

Present: Mr. Vikram Preet Arora, Advocate  
for the petitioner.

Mr. Anmol Malik, AAG, Haryana.

Mr. Deepak Sharma, Advocate  
for the complainant.

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**LISA GILL, J.**

Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No.154 dated 30.10.2017 under Sections 341, 354A, 506 IPC registered at Police Station Women, Ambala.

Contentions noted on behalf of the petitioner at the time of affording interim relief read as under:-

“ Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case only with a view to prevent him from testifying before the learned trial court in proceedings arising out of FIR No.61 dated 10.02.2014 under Sections 148/149/323/341/506 IPC (Annexure P3). The said FIR No.61 dated 10.02.2014 was lodged against the complainant's son and the husband at the instance of the present petitioner. The said matter, it is submitted, is now listed before the learned trial court on 17.01.2018 for the purposes of completing cross-examination of the petitioner. It is further stated that the complainant on an earlier occasion lodged FIR No.118 dated 22.3.2014 under Sections 148/149/323/341/

354/506/120B IPC (Annexure P4) in which cancellation was recommended. However on a subsequent application by the complainant, the matter was subjected to re-investigation and till date final report under Section 173 Cr.P.C. has not been presented in the said case.”

It is submitted that the petitioner has joined investigation. He undertakes to face proceedings and not abuse the concession of anticipatory bail, if confirmed. It is, thus, prayed that this petition be allowed.

Learned counsel for the complainant has vehemently opposed this petition while submitting that the petitioner was apprehended at the spot itself. Alcohol was detected on his medical examination. However, it is not denied that the complainant herself on 29.10.2014 gave in writing before the police authorities that she would appear before the police authorities at 9.00 a.m. on the next day and till then, no action should be taken in this matter. Learned counsel for the complainant is unable to deny that there are certain other matters also pending between the parties. FIR No. 61 dated 10.02.2014 (Annexure P-3) against the complainant's son and the husband at the instance of the present petitioner is a matter of record.

Learned counsel for the State, on instructions from HC Jasbir Kaur, verifies that the petitioner has joined investigation. His custodial interrogation is not required.

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 noted above but without expressing any opinion on the merits of case, it is considered just and expedient to allow this petition. Consequently, order dated 15.12.2017

is made absolute.

It is, however, clarified that the petitioner shall not try to contact the complainant or any of her family members in any manner - directly or indirectly. Any such infraction on the part of the petitioner shall entail cancellation of his bail.

February 05, 2018  
rts

**(Lisa Gill)**  
**Judge**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No