

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

Crl. Misc. M-48715 of 2017 (O&M)
Date of Decision: March 27, 2018

Saina and another

...Petitioners

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Sandeep Kotla, Advocate
for the petitioners.

Mr. P.P. Chahar, DAG Haryana.

Mr. Vinod Bhardwaj, Advocate
for the complainant.

JAISHREE THAKUR, J. (Oral)

This is a petition that has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR No.1161 dated 06.11.2017, under Sections 148, 149, 323, 354, 506 of Indian Penal Code, registered at Police Station City Panipat.

The instant FIR has been registered under the aforesaid sections by the prosecutrix with the allegations that when she and her mother had come to Panipat to attend a case and when they were coming out and were in the parking lounge, the accused in connivance with each other accosted her and forcibly put her in the car and tried to kill her by strangulation by *dupatta*. The background of this case is that initially, the prosecutrix had

registered an FIR No.50 dated 15.01.2015, under Sections 452, 506, 349 of Indian Penal Code and Section 8 of POCSO Act at Police Station Women Cell, Panipat against one Shadab and one another person. Apparently, this matter was compromised in which Shadab furnished an affidavit stating therein that he has solemnized a Nikah with the prosecutrix and that he would take her from her matrimonial home, after she attains majority. However, despite the said affidavit and compromise to do so, Shadab did not come forth. Thereafter, an FIR No.752 dated 12.08.2018, under Sections 498-A, 328, 34 of Indian Penal Code was registered at Police Station Chandni Bagh, Panipat. The prosecutrix and her mother were present in court in these proceedings, when the instant occurrence took place.

Learned counsel for the petitioner vehemently argues that there is a gang of women located in the area, which are in the habit of blackmailing persons by getting false FIR registered against them. It is also argued that in the initial statement that has been recorded by the prosecutrix, the name of the husband and petitioner Saina are not reflected therein.

A notice has been issued and appearance has been caused by Mr. P.P. Chahar, DAG Haryana on behalf of the respondent-State, who submits that there is no such information available regarding operation of gang. However, he submits that there is ample evidence available with them through CCTV footage to establish the fact that grievous assault had been inflicted upon the young prosecutrix, while also submitting that in the statement recorded under Section 164 Cr.P.C., the name of the husband along with the petitioner and several others have been reflected.

Arguments addressed by learned State counsel, have been duly endorsed by learned counsel for the complainant.

I have heard learned counsel for the parties.

This is a petition for grant of anticipatory bail in the FIR pertaining to the incident that took place in the court premises itself. There are specific allegations of kidnapping the young prosecutrix in the FIR. The grant of anticipatory bail is a discretionary relief and the conduct of the petitioners has to be seen as well. In view of the peculiar facts and circumstances of the present case and nature/gravity of the offence, this court is of the considered view that no ground is made out to grant the relief of anticipatory bail to the petitioners herein. Accordingly, the petition in hand is hereby dismissed, being devoid of any merits.

However, anything observed hereinabove shall have no affect on the merits of the case, which is only for the purpose of deciding the anticipatory bail application.

March 27, 2018

vijay saini

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No