

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-17561 of 2019 (O&M)
Date of decision : September 20, 2019

Ashutosh

....Petitioner

versus

State of Haryana

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Vishal Malik, Advocate, for the petitioner

Mr. Baljinder Virk, DAG, Haryana for the State with
ASI Vishnu, PS Chandni Bag, Panipat

Fateh Deep Singh, J. (Oral)

The present case against accused Ashutosh in this second bail application in case FIR No. 439 dated 12.5.2018 under Sections 195-A, 354-A, 354-D, 365, 506, 509 IPC, Police Station Chandni Bagh, Panipat, has been lodged by a married lady alleging that the accused had defiled her sister on fraudulent pretext. A case was got registered against the petitioner and when on 20.3.2018, sister of the complainant had come to the courts to testify, the

accused is alleged to have assaulted her in the staircase near the Advocates' chambers and was apprehended leading to registration of a case bearing FIR No. 370 dated 20.3.2018 under Sections 323, 341, 506 IPC, Police Station Panipat. Subsequently, it is alleged that on 5.5.2018 around 1.00 PM, accused forcibly took away the minor son of her sister from her house and thereafter a complaint was filed for this incident and the accused returned the child back. It is alleged that the accused had also threatened the complainant and her sister and started sending obscene, abusive and vulgar messages leading to the registration of the present case.

Mr. Vishal Malik, counsel for the petitioner inter-alia contends that both the complainant and her sister are grown up married ladies who have deserted their respective husbands and the sister of the complainant and the petitioner were in a relationship which went sour and present case has been got registered.

Mr. Baljinder Virk, DAG, Haryana has opposed the grant of bail on the grounds that the petitioner had earlier defiled the victim and subsequently in the present case had tried to abduct her son and therefore, was not entitled to any relief because of his criminal conduct.

Going through the submissions, the petitioner is behind

the bars for more than one year and four months. What one can gather from the allegations and the counter-allegations in the submissions of the counsel for the two sides, there appears to be a some sort of relationship between the sister of the complainant who is a grown up married aged lady and thus, there is repeated allegations and counter allegations against each other by the two. Thus, in view of the same, without adverting to the merits of the case, the petitioner being behind the bars since a long time and culpability, if any, shall be determined at the time of trial, necessitates the grant of bail to the petitioner. Accordingly, he is ordered to be released on regular bail to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, Panipat.

The present petition stands disposed off accordingly.

The observations made herein above shall have no bearing on the merits of the case as these are purely for the disposal of the present bail application.

September 20, 2019

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**(Fateh Deep Singh)
Judge**

Whether speaking/reasoned ?

Yes/No

Whether Reportable ?

Yes/No