

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

CRM-M-20759-2019

Date of decision:27.8.2019

VIVEK YADAV

....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. Perdhuman Yadav, Advocate
for the petitioner.

Mr. Ashok Singh Choudhary, Addl. A.G., Haryana.

Mr. Vishal Sharma, Haritwal, Advocate
for the complainant.

GURVINDER SINGH GILL, J. (ORAL)

1. The petitioner seeks grant of anticipatory bail in respect of FIR No.175 dated 28.3.2019 under Sections 323, 354, 506 of the Indian Penal Code, Police Station DLF Phase-III, Gurugram.
2. The FIR was lodged at the instance of Ms. Swati Tandon wife of Mr. Manish Tandon wherein it has been alleged that on 23.2.2019 at about 5:30 am she received a telephone call from the personal bodyguard of her husband who sought permission to come upstairs. The said bodyguard informed the complainant that one Vivek Yadav and Rishab Bhardwaj wished to talk to the complainant and her husband. It is alleged that the aforesaid Vivek Yadav and Rishab Bhardwan are ex-employees of their company whose services had been terminated. When the complainant

came downstairs, Vivek Yadav was found to have consumed excessive liquor and was trying to grapple with Ashok Malik who is bodyguard of her husband and was issuing threats that he would kill his master i.e. Manish Tandon. It is further alleged that Vivek Yadav was also hurling vulgar abuses and gave a slap on the complainant's head and gave another blow on the complainant shoulder and grappled with her in an uncivilized manner. It has also been stated therein that the accused Vivek Yadav had been removed from the company on account of his misbehavior and said Vivek Yadav had thereafter made several complaints against the complainant at different police stations.

3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that the FIR is in fact a counter-blast to the complaint submitted by the petitioner against the complainant.
4. Opposing the petition, learned State counsel assisted by learned counsel for the complainant has submitted that since the petitioner is specifically named in the FIR and there are specific and categorical allegations against him, no case for grant of anticipatory bail is made. Learned counsel for the complainant has further submitted that although the petitioner at the time of preliminary hearing of this bail application had submitted that a compromise has been effected between the parties but he had not complied with the terms of compromise. The learned State counsel has thus prayed for dismissal of the bail application.
5. I have considered rival contentions addressed before this Court. Bearing in mind the facts and circumstances of the case and also that the petitioner

is already stated to have joined investigation and which stands concluded as challan has already been filed, in my opinion, it is not a case which would warrant custodial interrogation. Accordingly the petition is accepted and the interim directions issued vide dated 7.5.2019 by this Court are hereby made absolute subject to the condition that the petitioner would appear before Investigating Officer as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

(GURVINDER SINGH GILL)
JUDGE

27.8.2019
Gaurav Sorot

Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No