

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

CRM-M-51938 of 2018.

Decided on:- May 07, 2019.

Nidhi Dhankar.

.....Petitioner.

Versus

State of Haryana and another

.....Respondents.

CORAM: *HON'BLE MR. JUSTICE HARI PAL VERMA.*

Present:- Mr. Robin Singh Hooda, Advocate
 for the petitioner.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 439(2) Cr.P.C. is for cancellation of anticipatory bail granted to respondent No.2 vide order dated 04.10.2018 passed by learned Additional Sessions Judge (Exclusive Court), Jhajjar in FIR No.238 dated 17.06.2018 under Sections 376(2)(n), 377, 313, 342, 406, 506, 120-B, 420 and 498-A IPC registered at Police Station Salhawas, District Jhajjar.

Perusal of the impugned order dated 04.10.2018 passed by learned Additional Sessions Judge, Jhajjar shows that the aforesaid FIR was registered against respondent No.2 and his family members despite the fact that divorce by way of mutual consent had already taken place between the petitioner-complainant and respondent No.2-accused on 16.04.2018. Similarly, as regard the allegations levelled by the complainant under Sections 376(2)(n), 377 and 506 IPC are concerned, the medico-legal report

of the complainant does reflect that it has not been opined by the concerned lady Medical Officer that the complainant was sexually assaulted/sexual intercourse was committed upon her on the date of incident.

Therefore, this Court finds that no ground is made out to cancel the anticipatory bail granted to respondent No.2 vide order dated 04.10.2018 passed by learned Additional Sessions Judge (Exclusive Court), Jhajjar.

The present petition is, accordingly, dismissed.

May 07, 2019
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No