

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

CRM-M-34820-2019 (O&M)

Date of Decision:- 16.12.2019

Phool Singh

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Abhishek Sindhwani, Advocate for the petitioner.

Ms. Aditi Girdhar, Assistant Advocate General, Haryana.

Mr. Pillania, Advocate for the complainant.

GURVINDER SINGH GILL, J.

1. The petitioner has approached this Court seeking grant of anticipatory bail in a case registered against him vide FIR No. 268 dated 16.7.2019 under Sections 452, 506 and 509 IPC at Police Station Civil Lines, District Jind.
2. The FIR was lodged at the instance of victim wherein it has been alleged that on 13.7.2019 when she was alone at her house, then she received a telephonic call at about 10:15 A.M. from mobile number 8168042437 with whom she has some monetary transactions regarding which a case is pending in the Courts. The caller informed her that he would be arriving at her house in about 10 minutes. Since the complainant's son was away to college, she asked him to return back home. It is alleged that after about 10 minutes Phool Singh Kheri, MLA arrived at her house and threatened her to

withdraw 'cheque bouncing' case which was pending in the Courts, upon which the complainant replied that she would withdraw only after he pays the money. It is alleged that the aforesaid accused threatened her while telling her that in his community they cut humans into pieces. It is further stated therein that the accused also hurled abuses and was carrying a pistol as well. It is alleged that he had earlier also i.e. on 31st March threatened her and regarding which she had made a complaint to the police but subsequently a 'panchayati' compromise was effected.

3. The learned counsel for the petitioner has submitted that he has falsely been involved in the present case and that a perusal of FIR would show that the only allegation alleged against him is that he had threatened the complainant and there is no allegation that the petitioner had caused any harm to the complainant.
4. Opposing the petition, the learned State counsel assisted by counsel for the complainant has submitted that since serious allegations have been levelled in the FIR, no case for grant of anticipatory bail is made out. The learned State counsel has, however, informed that the petitioner has since joined investigation pursuant to interim directions issued by this Court on 27.8.2019.
5. Having regard to the facts and circumstances of the case and while noticing that the petitioner has already joined investigation, custodial interrogation of the petitioner is not warranted. The petition, as such, is accepted and the interim directions issued by this Court vide order dated 27.8.2019 are hereby made absolute subject to the condition that the petitioner shall continue to

appear before the Investigating Officer as and when called upon to do so and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

16.12.2019

kamal

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No