

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-46350 of 2019

Date of Decision: 15.11.2019

Shishpal

...Petitioner (s)

Versus

State of Haryana

...Respondent(s)

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

Present:- Mr. Jagjit Singh, Advocate for
Mr. N.K. Ganga, Advocate
for the petitioner.

Ms. Gaganpreet Kaur, AAG, Haryana.

Mr. Aditya Sanghi, Advocate
for the complainant.

HARI PAL VERMA, J. (Oral)

Prayer in the present petition filed under Section 439 of the Code of Criminal Procedure, 1973 is for grant of regular bail to the petitioner in case FIR No.108 dated 17.09.2019 under Section 506 IPC, Section 67 of the Information Technology (Amendment) Act, 2008 and Section 18 of the Protection of Children from Sexual Offences Act, 2012 registered at Women Police Station Sirsa, District Sirsa.

The complainant is none else but the daughter of the petitioner. As per the FIR, the petitioner had made a Whatsapp call on phone No.92153-80091, which is in the name of mother of the complainant, whereby he threatened the complainant that he will sell her and kill her brother and mother.

Learned counsel for the petitioner has argued that there were differences between the petitioner and his wife Surinder Kaur and it is in this background, the present FIR has been registered against him at the behest of Surinder Kaur. He further submits that the alleged incident is of 09.08.2019 whereas the FIR has been registered on 17.09.2019. The petitioner is in custody since 27.09.2019.

Learned State counsel does not dispute the custody of the petitioner.

On the other hand, learned counsel for the complainant has argued that the petitioner has threatened the complainant, despite his being her father and therefore, he does not deserve to be admitted on bail.

I have heard learned counsel for the parties.

Taking into consideration the nature of allegations against the petitioner and the fact that he is in custody since 27.09.2019, I deem it appropriate to release him on regular bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail, subject to furnishing of bail bonds/surety bonds to the satisfaction of trial Court.

However, it is made clear that in case the petitioner extends any threat to the complainant and the prosecution shall be at liberty to seek cancellation of bail of the petitioner.

November 15, 2019
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No