

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-44560-2018 (O&M)
Date of Decision:-20.8.2019

Dinesh @ Tinna

... Petitioner

Versus

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Sumit Gupta, Advocate for the petitioner.

Ms. Aditi Girdhar, Assistant Advocate General, Haryana.

GURVINDER SINGH GILL, J.(Oral)

The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.550 dated 10.9.2018 at Police Station City Bahadurgarh, District Jhajjar under Sections 376, 354-D and 509 of Indian Penal Code.

The FIR was registered at the instance of Suman wife of Dinesh, wherein it has been alleged that Tinna (petitioner) had been committing wrongful acts with her since the last six months and in order to blackmail her he had also prepared a video. It is alleged that when the complainant talked about the same to Mahesh i.e. brother of Tinna, even he threatened her to remain within her limits else she would be killed.

The learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and although the complainant at one stage had been forced to make a statement under Section

164 Cr.P.C. raising allegations against accused but subsequently the complainant moved an application to the trial Court praying for recording of her statement afresh and wherein she also furnished an affidavit (Annexure P-2) specifically deposing therein that her statement under Section 164 Cr.P.C. had not been correctly recorded and that the petitioner Dinesh @ Tinna or his brother never committed any wrongful act with her. It has further been submitted that infact the co-accused Mahesh has already been granted bail by the trial Court since the complainant furnished an affidavit before the trial Court specifically stating therein that she has no objection for grant of bail.

At the last date of hearing, this Court had specifically directed the State to verify about the affidavit dated 19.9.2018 sworn by the prosecutrix, but no information in this regard has been furnished. It appears that the complainant has been changing her stand repeatedly as would be evident from the fact that she did not express any objection before the trial Court for grant of bail to co-accused Mahesh. In these circumstances, in my opinion, it is not a case warranting custodial interrogation. The petition, as such, is accepted and the interim directions issued by this Court vide order dated 9.10.2018 are hereby made absolute subject to the condition that the petitioner shall join investigation 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.

The present petition stands accepted accordingly.

20.8.2019

pankaj

Whether speaking /reasoned

Whether Reportable

Yes / No

Yes / No

(Gurvinder Singh Gill)
Judge