

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-16846-2020 (O&M)
Date of decision: 16.07.2020

Suresh Kashyap

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. S.S. Dinarpur, Advocate
for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.31 dated 04.05.2018 under Sections 354, 376, 377, 506 IPC and Section 3 (W)(i) (ii) of SC&ST Act, registered at Police Station Women, District Kurukshetra.

Learned counsel for the petitioner submits that prior to registration of the present FIR, which is based on a complaint given to Inspector General of Police, Karnal Division, the complainant has given various complaints against the petitioner as well as her own family members. Learned counsel for the petitioner has relied upon a complaint dated 23.03.2017, which was given to the Superintendent of Police, Kurukshetra (Annexure P-2) with similar allegations against the petitioner, as levelled in the present FIR. Thereafter, the complainant made a statement before the Investigating Officer, Police Station

Women, Kurukshetra that she know the petitioner, who is her neighbour and giving coaching in the games and he never committed any bad act with her and her family members forced her to file the complaint, whereas she do not want to pursue the same and want to go with petitioner Suresh Kashyap. This was followed by her statement under Section 164 Cr.P.C. recorded by Judicial Magistrate 1st Class, Kurukshetra on 25.03.2017, where again the complainant stated that she has made statement under the pressure of her family members. Thereafter, on 25.03.2017, Investigating Officer of Police Station Women, Kurukshetra concluded the inquiry and found that the complaint was moved under the pressure of the family members and recommended to file the same, which was approved by the Superintendent of Police, Kurukshetra on 28.03.2017.

Learned counsel for the petitioner further submits that the complainant has even given a complaint on 13.10.2016 against her own family members that they want to perform her marriage forcibly and were not allowing her to continue studies. Again she made a statement before the Investigating Officer, Police Station Women, Kurukshetra on 14.10.2016 that she do not want to take any action on her complaint, as she is going back to her parents. On inquiry, this complaint was recommended to be filed and was approved by Superintendent of Police, Kurukshetra on 20.10.2016.

It is further submitted that the complainant again gave a complaint on 01.06.2017 against her family members including mother and brothers and in the complaint, it is mentioned that her family members are not allowing her to live in peace and are even harassing her coach i.e. the petitioner and are threatening him with dire consequences. It is stated in this complaint that the

petitioner brought her back to the family, where they again started quarreling.

Learned counsel for the petitioner has relied upon a criminal complaint No.150/17 instituted on 11.08.2017, by the complainant against her family members including his real brother Rajesh, who was arrayed as accused No.8. Learned counsel has referred to certain paras of this complaint, wherein the complainant has alleged that her real brother Rajesh (accused No.8) has even tried to commit rape on her. It is submitted that in para No.10 of this complaint, it is alleged that family members of the complainant have tried to involve her and her coach/petitioner Suresh Kashyap with the help of influential persons. Later, the Judicial Magistrate 1st Class, Kurukshetra, vide order dated 18.12.2017, dismissed the complaint for non-prosecution.

Learned counsel for the petitioner has next argued that the petitioner has also given a complaint to I.G., Haryana Police, Karnal Division, Karnal on 09.02.2018 about extortion threats received by him, from some persons. It is further submitted that present FIR has been registered just to settle the personal score, as the petitioner is a married person and has even given a complaint to the police levelling allegations of threat and blackmailing. It is also submitted that the allegations in the present FIR are identical to an earlier complaint, which has already been inquired into and after recording statement of the complainant under Section 164 Cr.P.C., the same was filed. Learned counsel further submits that the petitioner is in custody since 09.12.2019; challan has already been presented and it will take some time in conclusion of the trial.

Learned State counsel could not dispute the factual position, however, submits that charges are yet to be framed and there are serious

allegations against the petitioner that he being coach of the complainant, had committed wrong acts with her against her wishes from 2015 onwards.

After hearing learned counsel for the parties, noticing all the facts and the previous complaints given by the complainant against the petitioner as well as her own family members, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate, concerned.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

16.07.2020
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No