

201

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

CRM-M No. 17968 of 2020
Date of Decision: 20.08.2020

S. Ravinder Singh

-Petitioner

Versus

State of Haryana

-Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Sanjiv Kumar Yadav, Advocate,
for the petitioner.

Mr. Deepak Bhardwaj, D.A.G., Haryana.

RAJ MOHAN SINGH, J. (Oral)

The case has been taken up for hearing through video-conferencing.

Petitioner seeks grant of anticipatory bail in case bearing FIR No.0227 dated 15.05.2020 registered under Sections 323, 354-A, 506 IPC (Section 376/511 IPC added subsequently) at Police Station Shahbad, District Kurukshetra.

On 09.07.2020, following order was passed:-

"The case has been taken up for hearing through video-conferencing.

Petitioner is 61 years of age having four unmarried daughters and one son.

Perusal of material on record would show

that there are allegations and counter allegations by the parties. In the context of complaint made by unmarried daughter of the petitioner, a Panchayati compromise was arrived at on 29.08.2017. One FIR No.226 dated 15.05.2020 under Sections 323, 34, 354, 354-D, 506 IPC was also registered by the daughter of the petitioner against the complainant party and her family members. The present FIR was initially registered under Sections 323, 34, 354, 354-D, 506 IPC, but later on Sections 376, 511 IPC were added on the basis of statement under Section 164 Cr.P.C.

According to learned counsel for the petitioner, the alleged insertion of enhanced offence is concocted even by bare perusal of the allegations.

According to the prosecutrix, the petitioner allegedly took her inside the house by holding her hand and he tore away her clothes and tried to rape even in the presence of his four daughters who were giving beatings to the complainant. Petitioner also started giving beatings to the complainant. Further allegations are that some close female relative of the complainant on the rank of DSP is serving in Haryana Police and the complainant party is mis-using her position by implicating the petitioner, his daughters and other family members in false cases.

Petitioner has annexed number of

documents including photographs and MLR of the daughter, showing incriminating allegations against the complainant party.

Notice of motion for 20.08.2020.

In view of facts on record, it would be in the fitness of things that the Investigating Officer shall file a specific affidavit in this case in the context of total controversy between the parties on record.

Till the next date of hearing, arrest of the petitioner shall remain stayed.”

In compliance of the aforesaid order, an affidavit has been filed by the Investigating Officer.

Perusal of the affidavit would show that initially the FIR was registered for the offences under Sections 323, 354, 506 IPC.

During investigation, offence under Section 376/511 IPC was added on the basis of statement of the complainant under Section 164 Cr.P.C. In further investigation, aforesaid offence under Section 376/511 IPC was deleted and instead offence under Section 354-B IPC was added.

Cross-case i.e. FIR No.226 of the even date i.e. 15.05.2020 under Sections 323, 324, 354, 354-D and 506 IPC was registered against the complainant party on the statement of daughter of the present petitioner.

In view of status report filed by the Investigating

Officer, offences in the cross case have been diluted and even a challan has been presented before the trial Court for the offences under Sections 323, 324, 506, 201 and 34 IPC on 28.07.2020.

Grievance of the petitioner is that the police has adopted indifferent attitude from the very beginning. Petitioner has specifically alleged malafide on behalf of the complainant party in aggravating the simple incident arising out of pet dog.

Both the parties have lodged version and cross-version, the police has filed challan in the cross version, but FIR is still under investigation.

At this stage, without meaning anything on the merits of the case, it would be just and appropriate to direct the petitioner to appear before the SHO/Investigating Officer.

In view of above, the petition is allowed. Petitioner is directed to appear before the SHO/Investigating Officer to join investigation on 24.08.2020 and in the event of his arrest, he shall be released on anticipatory bail on his furnishing adequate bail bonds/surety bonds to the satisfaction of SHO/Investigating Agency subject to the following conditions as envisaged under Section 438(2) Cr.P.C:-

- i) that the petitioner shall make himself available for interrogation before the Investigating Officer as and when required;

ii)that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

iii)that the petitioner shall not leave the country, without prior permission of the Court and shall surrender his passport, if any.

August 20, 2020

Jyoti Sharma

(RAJ MOHAN SINGH)
JUDGE

1. Whether speaking/reasoned : Yes/No
2. Whether reportable : Yes/No