

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

CRM-M-20488-2020 (O&M)

Date of decision : 05.08.2020

Dharmender Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

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

Ms. Tanushree Gupta, DAG, Haryana.

Mr. M.K. Yadav, Advocate,
for the complainant.

JITENDRA CHAUHAN, J. (Oral)

The matter has been taken up through video-conferencing in the light of the pandemic COVID-19 situation and as per instructions.

The instant petition has been filed under Section 438 of the Code of Criminal Procedure (for short, 'the Cr.P.C.') seeking pre-arrest bail in FIR No.1 dated 01.01.2020, registered under Sections 323, 376, 511, 452 and 506 of the Indian Penal Code, at P.S. Kanina, District Mahendergarh.

Learned counsel, inter alia, contends that the present FIR is a counter-blast to FIR No.8 dated 03.01.2020, registered at the behest of wife of the petitioner against the father of the prosecutrix. Further, the falsity of the allegations is evident from the perusal of MLR of the prosecutrix, wherein, as against the assertions of prosecutrix, no injury was noticed

either on her face or chest.

On the other hand, learned State counsel, on instructions submits the present FIR came to be registered on 01.01.2020, whereas, the FIR was lodged by the petitioner's wife subsequent thereto, i.e. on 03.01.2020. Further the petitioner is a habitual offender and has been involved in two more cases.

Heard.

It was the assertion of the petitioner that the present FIR was a counter-blast to FIR No.8 dated 03.01.2020, lodged at the behest of wife of the petitioner against father of the prosecutrix. However, such an assertion is against the record as the present FIR was lodged two days prior thereto, on 01.01.2020. It has also come on record that after investigation, the allegations levelled in FIR NO.8 *ibid* were found to be without any substance. Subsequently, on the representation moved by the petitioner, the matter was further looked into by two senior police officers and it was found that actually, FIR No.8 *ibid* was a counter-blast to the present FIR. Hence, a cancellation report was prepared on 16.01.2020 and presented before the Court of learned Illaqa Magistrate, Karina on 20.05.2020. As regards the antecedents of the petitioner, it has come on record that he stands convicted in FIR No.352 dated 29.12.2011 under sections 325 and 323 IPC and was released on probation. He is also involved in FIR No.32 dated 23.03.2019 under Section 354-D IPC, registered at P.S. Mandir Marg, New Delhi, and presently he is on bail in that case.

Keeping in view the serious nature of the offence, conduct and antecedents of the petitioner, this Court is not inclined to grant the relief of

pre-arrest bail to the petitioner. Accordingly, the instant petition is dismissed.

However, nothing noticed hereinabove shall be construed as an expression of opinion of the Court on the merits of the case.

05.08.2020
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(JITENDRA CHAUHAN)
JUDGE

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