

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

CRM-M-21910-2020 (O&M)

Date of decision: 16.09.2020

Karan

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Mr. Ashwani Nagra, Advocate for the petitioner.

Mr. Anmol Malik, DAG, Haryana.

H.S. MADAAN, J. (Oral)

Case taken up through video conferencing.

This petition for pre-arrest bail has been filed by petitioner Karan, an accused in FIR No.366 dated 02.07.2020, for offences under Sections 323, 354-B, 452 and 506 IPC, registered with Police Station Chandni Bagh, Panipat, District Panipat.

Briefly stated facts of the case as per prosecution story are that, FIR in this case was registered on the basis of written complaint submitted by complainant Rekha wife of Naresh @ Dhandu, resident of Jagjeevan Ram Colony, Panipat, who *inter alia* stated that 3-4 days earlier, a fight had taken place between family of Karan (present petitioner) and his parents in-law; parents in-law of Karan were giving severe beatings to his mother; the complainant along with 2-3 ladies of the neighbourhood intervened and settled the matter; parents in-law of

Karan had left; subsequently, Karan started abusing his mother; a Panchayat was convened, where complainant narrated the factual position; Karan nursed a grudge against her for that reason; on 30.06.2020 at about 10.00 PM, while the complainant was present in his house, then petitioner/accused Karan along with his co-accused Rajesh and Sushma Rani trespassed in her house and Karan tore away the t-shirt which she was wearing and caught hold of complainant from behind with both hands with wrong intention, whereas, his co-accused beat up the complainant; the police was informed; police officials came to the spot, however, no action was taken by such police officials. After registration of the formal FIR, investigation in this case started.

Apprehending his arrest in this case, petitioner had approached the Court of Sessions at Panipat, craving for grant of pre-arrest bail. His such application was taken up for hearing by Addl. Sessions Judge (D), Panipat, who vide order dated 16.07.2020 dismissed the same. Feeling aggrieved, he has knocked at the door of this Court, praying for grant of similar relief. Notice of the petition was given to the State.

I have heard learned counsel for the parties besides going through the record.

Learned counsel for the petitioner has contended that father of the petitioner had illicit relations with Rekha, complainant in this case and the petitioner had seen them in a compromising position. As such, he had admonished his father for that reason. The complainant has lodged a false FIR against him and his co-accused. Learned counsel for the

petitioner has further contended that the petitioner has joined the investigation in terms of order dated 07.08.2020 passed by this Court.

Learned State counsel, on instructions from ASI Kaptan Singh concedes this fact, further stating that the custodial interrogation of the petitioner is not required by the local police.

It being so, the interim bail granted to the petitioner, vide order dated 07.08.2020 is made absolute, subject to the following conditions:-

- 1.That the petitioner shall make himself available for investigation by a police officer as and when required;
- 2.That he 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 and;
- 3.That he shall not leave India without prior permission of the Court.
- 4.He shall surrender his passport before the Investigating Officer and if he is not having passport, then, shall file the affidavit in that regard.

In case, the petitioner violates any terms & conditions, on which the bail has been granted to him, the prosecution would be entitled to apply for cancellation of bail.

The petition stands allowed accordingly.

16.09.2020
sumit.k

(H.S. MADAAN)
JUDGE

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