

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****CRM-M-23148-2020 (O&M)****Date of Decision: 22.12.2020**

Balesh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILLPresent: Mr. Saleem Ahmed, Advocate,
for the petitioner.Mr. Ramesh K. Ambavta, AAG, Haryana,
assisted by ASI Balram.Mr. Keshav Pratap Singh, Advocate,
for the complainant.*(proceedings conducted through video conferencing)***GURVINDER SINGH GILL, J. (Oral)**

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.0063 dated 08.03.2020 at Police Station BPTP Faridabad, District Faridabad under Sections 148, 149, 379-B and 506 IPC.
2. The FIR in question was lodged at the instance of Sunder Rawat, wherein it is alleged that his younger brother Vishal is a school bus driver and that on 03.08.2020, Balesh (petitioner) and her husband Hansraj called complainant's younger brother Vishal to their house while representing that they wanted to book a bus. It is alleged that when Vishal reached at the residence of the accused, both the accused attacked Vishal with knife, base-ball bat and stick with an intention to kill him. It is alleged that Hans Raj, son

of Hans Raj, three brothers of Balesh as well as 2-3 other persons gave beatings to Vishal. It is further alleged therein that the accused also snatched his gold chain weighing about 1.5 tola and an amount of Rs.14700/- and also mobile phone of Vishal.

3. The learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case in order to pre-empt her from lodging FIR against the petitioner as he had earlier committed rape upon the petitioner and in respect of which she had made complaint to the police resulting in lodging of FIR on the next day.
4. Opposing the petition, the learned State counsel assisted by learned counsel for the complainant, has submitted that veracity of the allegations as levelled in the FIR are duly established from the fact that 14 injuries were found on the person of injured Vishal.
5. The learned counsel for the complainant has further submitted that since the bail application of identically situated co-accused Hansraj i.e. husband of the petitioner already stands declined by this Court, no case for grant of bail is made out. The learned State counsel has, however, informed that pursuant to interim directions, the petitioner has since joined investigation and she is not required for any custodial interrogation and also that she is not involved in any other case.
6. I have considered rival submissions addressed before this Court.
7. It is no doubt correct that there are specific allegations as levelled against the petitioner in the FIR. However, given the fact that the petitioner is a lady and the law itself recognizes some kind of

leniency in the matter of grant of bail in favour of a lady and while also noticing that the petitioner has already joined investigation and is not required for custodial interrogation, the petition is accepted and the interim directions issued by this Court vide order dated 18.08.2020 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.

22.12.2020

Vimal

**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking/reasoned: **Yes/No**
Whether reportable: **Yes/No**