IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-29691-2020
Date of decision: 25.09.2020

Dr. Subhash Kumar **...Petitioner**

Versus

State of Haryana **...Respondent**

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Ms. Priyanka Sud, Advocate
for the petitioner.

Mr. Sumit Jain, Addl. A.G., Haryana.

ARVIND SINGH SANGWAN, J. *(Oral)*

The petitioner prays for grant of anticipatory bail in FIR No. 702 dated 08.03.2020, registered under Sections 186, 332, 353 and 506 of the IPC at Police Station Shivaji Nagar, District Gurugram.

Learned counsel submits that daughter of the petitioner was having a matrimonial dispute and on that account, FIR No. 91/2019 was registered under Sections 323, 406, 498-A, 506 and 34 of the IPC against Kush Chhabra.

Learned counsel further submits that the allegations in the FIR are that during the pendency of the proceedings arising out aforesaid FIR No. 91, complainant Himanshu Yadav was performing the duties of ADA before the Illaqua Magistrate and the petitioner was attending the Court and was opposing the prayer made by Kush Chhabra to travel abroad and when the complainant started misbehaving with him. Learned counsel further submits that a complaint was given to Commissioner of Police, Gurugram

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and other Officers in this regard on 14.02.2020.

Learned counsel further submits that by keeping a grudge on that account, the complainant got this FIR registered with the allegations that on the date when he was attending the Court proceedings, the petitioner came and started preventing him from discharging his official duties by extending threat that he will face the consequences.

Learned counsel further submits that in fact the petitioner is a retired Govt. Servant (Doctor) and presently, he is working as a front line worrier against Covid-19 pandemic and the FIR has been registered just because the complainant, while working as ADA, was siding accused Kush Chhabra as he was seeking permission of Court to go abroad.

Learned counsel further submits that in fact on account of not presenting the case properly, Illaqua Magistrate allowed the said application as neither Investigating Officer nor the complainant appeared to oppose the prayer of accused Kush Chhabra before the Illaqua Magistrate.

In reply, learned State counsel could not dispute the factual position including the fact that petitioner, prior in time, has given a complaint against complainant Himanshu Yadav, however, submitted that petitioner is required for investigation.

After hearing learned counsel for the parties, without commenting on the merits of the case, considering the aforesaid facts and circumstances of the case, the present petition is allowed and the petitioner is granted concession of anticipatory bail, subject to the conditions envisaged under Section 438(2) Cr.P.C.

However, it will be open for the Investigating Officer to call

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upon the petitioner to join investigation, if required, by issuing a written notice in this regard.

25.09.2020 **(ARVIND SINGH SANGWAN)**
Waseem Ansari **JUDGE**

Whether speaking/reasoned *Yes/No*

Whether reportable *Yes/No*

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