

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

CRM-M-8752-2020
Date of Decision : 06.04.2021

Sawai Ram

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. V. K. Jindal, Sr. Advocate with
Mr. Neeraj Gaur, Sr. Advocate
for the petitioner.

Mr. Deepak Kumar Grewal, DAG, Haryana.

Ms. Shallu, Advocate for
Mr. Simranjeet Singh, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (Oral)

This is a petition filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No. 06 dated 06.02.2019 under Sections 323, 354, 376, 511, 507, 509 and 120-B of the IPC registered at Police Station Women, Ballabgarh, District Faridabad, Haryana.

Learned Senior counsel for the petitioner submits that as per allegations in the FIR, registered at the instance of complainant-Annu Sharma W/o Ramakant Sharma, it is stated that Komal i.e. daughter of the petitioner was residing with the complainant in her house and on 26.01.2019, Komal's brothers Monu and Sonu along with their sister Anjali and mother Shanti Devi came to complainant's house and abused her and then called petitioner-Sawai Ram. The husband of the complainant got a call from Sawai Ram, wherein, he used vulgar language and threatened to kill the family members of the complainant. Later on, Komal started beating her and tore away her clothes and husband of the

complainant was also given beatings and when she was going inside the courtyard to change her clothes, the petitioner knocked her down and tried to commit rape on her.

Learned Senior counsel for the petitioner further submits that the petitioner was granted concession of regular bail by the Sessions Court on 13.05.2019, thereafter, the complainant filed an application for cancellation of bail, which was allowed by the Additional Sessions Judge-Cum-Fast Track Court, Faridabad on 17.01.2020 on the premise that the petitioner along with his other family members has tried to kill the complainant by using fire arm and in that process FIR No.1343 dated 30.08.2019 under Sections 307 and 120-B of the IPC was registered at Police Station Sihani Gate against the petitioner and other family members.

Learned Senior counsel for the petitioner further submits that even in aforesaid FIR No. 1343, the petitioner was arrested and was granted concession of regular bail after about 03 months.

Learned Senior counsel for the petitioner further submits that in fact there is a dispute between the complainant and the daughter of the petitioner, who is having an illicit relation with the husband of the complainant and the daughter of the petitioner has registered as many as 05 FIRs against the complainant party and the petitioner, who is aged about 60 years, has been falsely implicated in this case.

Learned Senior counsel for the petitioner further submits that in pursuance of order dated 13.01.2020 passed in CRM-M-55706-2019, the petitioner has surrendered on 19.01.2021 and since *challan* has already been presented and there is no possibility of tampering the evidence, the petitioner may be granted concession of regular bail.

Learned State counsel assisted by learned counsel for the complainant, however, submits that the petitioner has misused the concession of regular bail granted by Sessions Court and later on, another FIR under Sections 307 and 120-B of the IPC was registered against the petitioner and his family members, however, it is not disputed that number of cases are pending between the daughter of the petitioner and the complainant and her husband and, therefore, at this stage, the false implication of the petitioner in the present case cannot be ruled out.

I have heard learned counsel for the parties.

Without commenting on the merits of the case and considering the submissions made by learned counsel for the parties, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaq Magistrate, concerned.

06.04.2021

Waseem/Chetan

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No