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

CRM-M-38414-2021

Date of decision : 29.11.2021

Banarasi Dass

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Sanjiv Kumar Aggarwal, Advocate for the petitioner.

Mr. Manish Dadwal, AAG, Haryana.

Mr. A.S. Virk, Advocate for the complainant.

VIKAS BAHL, J. (ORAL)

Prayer in the present petition is for grant of anticipatory bail to the petitioner in FIR No.239 dated 06.08.2021 registered under Sections 120-B and 384 of the Indian Penal Code, 1860 at Police Station Thanesar City, District Kurukshetra, Haryana.

On 16.09.2021, this Court had passed the following order:-

“Prayer in the present petition is for grant of anticipatory bail to the petitioner in FIR No.239 dated 06.08.2021 registered under Sections 120-B and 384 of the Indian Penal Code, 1860 at Police Station Thanesar City, District Kurukshetra, Haryana.

Learned counsel for the petitioner inter alia

contends that it is daughter of the petitioner who had filed a complaint on 01.08.2021 (Annexure P-2) in which the allegations have been made that the complainant, in the present case, had raped her and had taken her photographs and made the videos and on the basis of the same, he was harassing her by threatening her to put the said videos/photographs on the Internet. It is further argued that as a counter blast to the said complaint, the present FIR No.239 dated 06.08.2021 has been got registered by the complainant on an application dated 03.08.2021. It is further submitted that even as per the FIR, the complainant had developed a friendship with daughter of the petitioner and in fact, the present petitioner, who is an old person of 69 years of age, has never even made any complaint and in any case, he has no role to play in the entire dispute.

Notice of motion.

On asking of the Court, Mr. Praveen Bhadu, AAG, Haryana, appears and accepts notice on behalf of State of Haryana and seeks time to get instructions.

Adjourned to 29.11.2021.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C. ”

Learned counsel for the petitioner has submitted that in pursuance of the abovesaid order dated 16.09.2021, the petitioner has joined the investigation.

Learned counsel for the State has submitted that the petitioner has joined the investigation and as per the status report, he has been found to be innocent.

Learned counsel for the complainant has pointed out that it cannot be said that the present FIR was counter blast to the complaint which is stated to have been filed by the daughter of the petitioner as there is no record to show that the said complaint was filed prior to 03.08.2021.

Be that as it may, keeping in view the abovesaid facts and circumstances, moreso the fact that the petitioner has joined the investigation and as per the status report, he is found to be innocent, the present petition is allowed and the interim order dated 16.09.2021 is ordered to be made absolute.

However, nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

29.11.2021*Pawan***(VIKAS BAHL)
JUDGE****Whether speaking/reasoned:- Yes/No****Whether reportable:- Yes/No**