

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(212)

CRM-M-39220-2022-
Date of decision:- 29.11.2022

Roshan Lal

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Ms. Vaishali Kamboj, Advocate for the petitioner.

Ms. Ankita Ahuja, AAG, Haryana.

Mr. Saurabh Sharma, Advocate for the complainant.

SUVIR SEHGAL, J. (Oral)

Instant petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 seeking anticipatory bail in case FIR No.0359 dated 21.05.2022, registered for offences under Sections 323, 354, 506, 509 and 34 of the Indian Penal Code, 1860 (for short "IPC"), however, later on Section 354-B, IPC was added, at Police Station Krishna Gate, Kurukshetra (Haryana).

Counsel for the petitioner submits that the petitioner has joined the investigation pursuant to order dated 07.09.2022 passed by this Court. He submits that he has also filed an affidavit in compliance with the said order, which has been taken on record by this Court vide order dated 10.10.2022.

Upon instructions received from L/HC, Renu, State counsel has verified the joining of the petitioner and submits that the petitioner is no longer required for custodial interrogation.

During the course of hearing on 10.10.2022, counsel for the complainant had submitted that the petitioner has been intimidating her and she has moved a complaint with the authorities in this regard. State was directed to verify this fact and file an affidavit, which has been done and its relevant extract is as under:-

“2. That the complainant has moved complaint no. 91DG-HM DT dated 08.10.2022 and 652-DGP dated 30.09.2022 and same were inquired by the Deputy Superintendent of Police, HQ Kurukshetra/deponent and during inquiry the allegations levelled by the present complainant in her complaints were found false and during inquiry it has come out that both the parties having dispute on some land i.e. house/plot. Both the parties were called and their statements were recorded separately but complainant has failed to prove any sufficient proof regarding the allegations levelled by her in her complainant, hence complaint of complainant were closed. The copy of complaint is enclosed herewith as Annexure R-1 for kind perusal of this Hon'ble Court. The copy of inquiry report of Deputy Superintendent of Police, HQ/deponent is enclosed herewith as Annexure R-2 for kind perusal of this Hon'ble Court.

3. That no threat was extend by the complainant as alleged by the counsel for the complainant and it is clear from inquiry of answering respondent/deponent. However, in the present matter complainant has registered FIR No.359 dated 21.05.2022 under Sections 323, 354, 354-B, 506 IPC, Police Station Krishna Gate, District Kurukshetra and FIR No.311 dated 15.06.2022 under Section 506, 34 IPC, Police Krishna Gate Kurukshetra.”

In view of the above, but without examining the merits of the case, present petition is allowed.

Order dated 07.09.2022 granting interim bail to the petitioner, is made absolute, subject to conditions laid down in Section 438 (2) of the Code of Criminal Procedure.

29.11.2022

Kamal

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No