

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

CRM-M No.13520 of 2023 (O&M)
RESERVED ON : 22.09.2023
DATE OF DECISION : 26.09.2023

Anil Panchal @ Anil Kumar

.....Petitioner

versus

State of Haryana

.....Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Sandeep Singh Jattan, Advocate for the petitioner

Ms. Priyanka Sadar, AAG Haryana

ALKA SARIN, J.

1. This is a petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.540 dated 23.12.2022 under Sections 376(2)(n) and 506 of the Indian Penal Code, 1860 registered at Police Station Gandhi Nagar, District Yamuna Nagar.

2. The allegations in the FIR are that the complainant is a 32 years old lady with two children and that she was suffering from kidney stones for about one year. Someone gave her the reference of the present petitioner, who works as a *Tantrik* and treats kidney stones. It is alleged that the

complainant went to the present petitioner for treatment and he stated that she was under the influence of ghosts and, therefore, would require longer treatment. She used to go to him time and again. It is further the allegation that since November, 2021 the petitioner had committed wrong acts with her and on 10.12.2022 in the evening the petitioner went to the house of the complainant and committed wrong acts with her as also threatened her.

3. Learned counsel for the petitioner would contend that a totally false case has been filed against the petitioner. It is further the contention that there is no evidence regarding the medical condition of the complainant that she was suffering from any kidney stones. It is further the contention that though it has been alleged in the FIR that wrong acts were being committed since November, 2021 and the last incident was on 10.12.2022, however, the present FIR was lodged 23.12.2022 and the medical was also conducted on the same day i.e. 23.12.2022. The learned counsel has further contended that the complainant stands examined in the present case. However, her husband, who is one of the material witnesses, has not come forward for getting his statement recorded despite non-bailable warrants having been issued on five different occasions.

4. A status-report has been filed by way of affidavit of Rajiv Kumar, HPS, Deputy Superintendent of Police-I, Yamuna Nagar wherein it has been stated that the petitioner has clean antecedents and there is no other case pending against him. Learned counsel for the State is also not in a position to dispute the fact that the husband of the complainant, despite issuance of non-bailable warrants, is not coming forward for getting his statement recorded. The petitioner has been in custody since 24.12.2022.

5. In view of the above and without commenting upon the merits of the case, this Court deems it to be a fit case to grant the concession of regular bail to the petitioner. The petitioner is directed to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Additional Sessions Judge (Duty) concerned.

6. However, the Prosecution will always be at liberty to apply for cancellation of bail in case the petitioner is found to be misusing the concession of bail in any manner.

7. It is also made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

8. Disposed off. Pending applications, if any, also stand disposed off.

(ALKA SARIN)
JUDGE

26.09.2023
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<u>NOTE:</u> Whether speaking/non-speaking: Speaking Whether reportable: YES/NO
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