

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

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**CRWP-5421-2020 (O&M)  
Decided on : 03.03.2023**

Keshav Kumar

. . . Petitioner(s)

Versus

State of Haryana and others

. . . Respondent(s)

**CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH**

**PRESENT:** Mr. L. M. Gulati, Advocate for the petitioner.

Mr. Vikas Bhardwaj, AAG, Haryana.

Mr. Akash Yadav, Advocate for respondent No. 5.

Mr. Dinesh Arora, Advocate for respondent No. 6.

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**SANJAY VASHISTH, J. (Oral)**

Order dated 01.03.2023 passed by this Court says as under:

*“By way of instant petition, petitioner has prayed for issuance of writ in the nature of mandamus directing the official respondents No. 1 to 4 to protect the life and liberty of the petitioner from the hands of respondents No. 5 and 6.*

*In the reply dated 08.09.2020, filed by learned State counsel on behalf of respondents No. 1 to 4, it is pointed out that petitioner and respondent No. 6 are real brothers, who are living in same house. It has also been explained that against the petitioner several pending cases have been detailed in paragraphs No. 3 (a) to 3 (g), which are reproduced here-in below:*

*“a. FIR No. 8 dated 04.01.2020, under Sections 34, 354, 354- A(2), 506, 509 IPC, P.S. Civil Lines Bhiwani, which was registered on the complaint of Rekha Aggarwal wife of Bhim Sen-respondent no. 6 against petitioner and his wife Ruchi Aggarwal. During investigation, the petitioner was arrested on 09.01 2020 and his wife Ruchi Aggarwal was granted concession of anticipatory bail by the Court of Sh. Jalbir Singh, Ld. ASJ, Bhiwani, vide order dated 16.01.2020 and thereafter, she had joined the investigation on 16.01.2020. The final*

*report under Section 173 Cr.P.C. was presented before the Ld. Ilaga Magistrate on 18.02.2020 and now, the case is pending adjudication before the Ld. Trial Court at Bhiwani. The petitioner is on bail in this case.*

- b. FIR No. 163 dated 27.04.2020, under Sections 354-A, 427, 506 IPC, P.S. Civil Lines Bhiwani, which was registered on the complaint of Barkha daughter of Bhim Sen - respondent no. 6 against present petitioner. The petitioner was granted concession of anticipatory bail by this Hon'ble Court in CRM-M No. 12213 of 2020 and thereafter, he had joined the investigation on 09.06.2020. The final report under Section 173 Cr.P.C. has been prepared on 23.07.2020.*
- c. FIR No. 164 dated 27.04.2020, under Sections 323, 341, 354-A, 354-0, 506, 34 IPC, P.S. Civil Lines, Bhiwani, which was registered on the complaint of Ruchi Aggarwal wife of present petitioner Keshav against respondent no. 6. During investigation, the present case was found false and it was also found that the complainant has got lodged this false case just in defence of other cases registered against the husband of complainant of this case and as such, the this FIR has been cancelled by the investigating agency and cancellation report was prepared on 07.06.2020.*
- d. FIR No. 237 dated 07.08.2020, under Sections 120-B, 420, 467, 468, 471 IPC, P.S. Civil Lines Bhiwani, which was registered on the complaint of respondent no. 6 Bhim Sen against present petitioner and 7 other persons. The case is under investigation and arrests of accused persons are yet to be effected.*
- e. FIR No. 89 dated 10.04.2017, under Sections 420, 467, 468, 471, 120-B IPC, P.S. Civil Lines Bhiwani, which*

*was registered on the complaint of respondent no. 6 Bhim Sen against present petitioner. The case is under investigation and the present petitioner is on bail.*

- f. An application was received on 03.07.2020 in police station Civil Lines, Bhiwani, moved by present petitioner against respondent no. 5 & 6. During investigation, all the allegations were found false and thereafter, the Investigating agency asked to the petitioner to provide any evidence against the accused persons but he said that he will produce all the evidence in the Court and refused to share any evidence. As such, the application has been filed by the investigating agency finding no truth in it.*
- g. One ruqqa from the Civil Hospital Bhiwani was received on 28.06.2020 of patient Keshav Kumar (present petitioner), upon which, Keshav Kumar got recorded his statement in writing through his wife and one more ruqqa of respondent no. 6 Bhim Sen was also received on the same day and his statement was also recorded and accordingly, preventive action was taken against both the present petitioner i.e. complainant and respondent no.6 Bhim Sen i.e. accused under Sections 107/150 of Code of Criminal Procedure.”*

*Paragraphs No. 8 of the said reply also details the fact that proceedings under Sections 107/151 IPC have already been initiated against the complainant/petitioner herein and respondent No. 6- Bhim Sen. Paragraphs No. 8 says as under:*

- “8. That para no. 8 of the petition is wrong, denied and not admitted. False story has been cooked up just to create grounds of the present petition, otherwise, there is no truth in it. In fact, one ruqqa from the Civil Hospital Bhiwani was received on 28.06.2020 of*

*patient Keshav Kumar (present petitioner), upon which, Keshav Kumar got recorded his statement in writing through his wife and one more ruqqa of respondent no. 6 Bhim Sen was also received on the same day and his statement was also recorded and accordingly, preventive action was taken against both the present petitioner i.e. complainant and respondent no.6 Bhim Sen i.e. accused under Sections 107/151 of Code of Criminal Procedure. It is pertinent to mention here that statement of petitioner was submitted in writing duly written in the hands of his wife but they did not mention about the allegations made by the petitioner in the para under reply. ”*

*Learned counsel appearing on behalf of the petitioner submits that arguing counsel Mr. L. M .Gulati, Advocate is not available today, thus, he seeks short adjournment.*

*Adjourned to 02.03.2023.”*

At the very outset, learned counsel for the petitioner submits that in view of the details given in the reply filed by the State, he does not want to press the present petition for the time being and seeks withdrawal of the present petition.

Dismissed as withdrawn.

**(SANJAY VASHISTH)  
JUDGE**

**03.03.2023**

*Riya*

*Whether speaking/reasoned: Yes/No*

*Whether Reportable: Yes/No*