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2023:PHHC:122639

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M No.31716 of 2022 (O&M)
Date of Decision: 19.09.2023

Ankit Kumar

.....Petitioner.

Versus

State of Haryana

.....Respondent.

CORAM: ***HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA***

Present:- Mr. Sandeep Kumar Yadav, Advocate
for the petitioner.

Mr. Amrik Singh Narwal, DAG, Haryana
for the respondent-State.

Mr. H.P.S. Ghuman, Advocate
for the complainant.

MEENAKSHI I. MEHTA, J.(Oral)

CRM No.23866 of 2023

This application has been moved on behalf of the applicant-petitioner for seeking permission to place the copies of the affidavit and FIR etc, on the record as Annexures P-6 to P-18.

Notice in the application.

Learned State counsel accepts the notice and he submits that he has no objection in allowing the instant application.

Keeping in view the above-said fact as well as the reasons as mentioned in the present application, the same is allowed and Annexures P-6 to P-18 are taken on the record.

CRM-M No.31716 of 2022

The petitioner herein seeks the relief of anticipatory/pre-arrest bail in the criminal case arisen out of the FIR bearing No177 dated 18.05.2022 as registered at Police Station Sadar Kanina, District Mahendergarh, under Sections 354-D & 506 IPC, wherein the offence under Section 12 of the POCSO Act, 2012 is stated to have been added later-on.

2. Bereft of unnecessary details, the allegations, as levelled by the complainant in the subject FIR, are that his daughter (here-in-after to be referred as 'P') and the petitioner used to go to the School in the same bus and the petitioner had been maligning 'P' by spreading false rumours regarding her having an affair with some boy and he had also been harassing her ('P') by chasing her on the bike and hooting at her and also by molesting her.

3. Status-Report had already been filed on behalf of the respondent-State, by way of affidavit of Deputy Superintendent of Police, Mahendergarh. However, a fresh Status-Report, as submitted subsequently, is also available on the file and the same is taken on the record.

4. I have heard learned counsel for the petitioner as well as learned State counsel (assisted by learned counsel for the complainant) in the instant petition and have also perused the file carefully.

5. Learned counsel for the petitioner contends that the petitioner has been got falsely implicated in the criminal case under reference due to the inimical relations between his family and the family of the complainant and the criminal cases have also been lodged against the complainant party at the instance of the petitioner and his family and the subject FIR is a counter-blast to the same and moreover, the petitioner has already been extended the relief

of interim anticipatory bail vide the order passed by the Co-ordinate Bench on 10.08.2022 and in these circumstances, he deserves the relief, as prayed for in the present petition.

6. Per contra, learned State counsel argues that after the registration of the afore-referred FIR, another criminal case has been got lodged against the petitioner and his father under Section 506 IPC, with the allegations that they had threatened the complainant with dire consequences, if he did not withdraw the instant case and it being so, this bail petition be dismissed.

7. A perusal of the order dated 10.08.2022 reveals that though the Co-ordinate Bench had granted the concession of interim anticipatory bail to the petitioner as his counsel had stated in the Court that the dispute between the parties stood settled but keeping in view the submission made by learned State counsel qua the receipt of several complaints about the mis-behaviour of the petitioner with some other girls also, he (petitioner) was directed to furnish a bond of good conduct.

8. However, in Para No.9 in the subsequently filed Status-Report, it has categorically been mentioned that the petitioner and his father had threatened the complainant to kill 'P' and his family, if he did not withdraw the present case and resultantly, another FIR has been registered against them (petitioner and his father) on 15.12.2022 after the grant of interim anticipatory bail to the petitioner on 10.08.2022.

9. Further, Annexure R-1 is the copy of the statement of 'P', as recorded under Section 164 Cr.P.C, wherein she has reiterated the allegations levelled against the petitioner in the subject FIR and Annexures R-2 to R-6 are the copies of the statements of the officials of the School, wherein 'P' and the

petitioner are stated to have been studying, regarding the petitioner having misbehaved with other girls also.

10. The contention regarding the instant FIR being a counter-blast to the criminal cases as got registered by the petitioner and his family members against the complainant-party and qua the truthfulness and the veracity of the above-mentioned versions of the complainant and 'P' and also of the afore-said School officials, can and shall be looked into and adjudicated upon by the trial Court at the appropriate stage after appreciating and evaluating the evidence that may be led on the record during the course of the trial and these cannot be decided at the stage of dealing with the present bail petition.

11. Keeping in view the afore-discussed facts and circumstances and also the nature of the offence alleged to have been committed by the petitioner in the instant case, this Court is of the considered opinion that he (petitioner) does not deserve the concession of anticipatory bail. Resultantly, the petition in hand stands dismissed accordingly.

September 19, 2023

Yag Dutt

**(MEENAKSHI I. MEHTA)
JUDGE**

<i>Whether speaking/reasoned:</i>	<i>Yes</i>
<i>Whether Reportable:</i>	<i>No</i>