

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

CRM-M No.43526 of 2023
Date of decision: 6th September, 2023

Muddin Khan

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Rakesh Kumar Chaudhary, Advocate for the petitioner.
Mr. Karan Jindal, Asst. Advocate General, Haryana
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.115 dated 22.03.2023 under Sections 436, 34 IPC registered at Police Station Hathin, District Palwal.

2. Learned counsel, while drawing the attention of this Court to the allegations levelled in the FIR, which has been annexed as Annexure P-1, inter alia submits that the occurrence in question, wherein the petitioner allegedly attempted to molest the sister of the complainant, took place on 02.03.2023 when she had come to his clinic to get herself medically treated. However, the FIR in question came to be lodged after 20 days, i.e. on 22.03.2023. Learned counsel submits that a false and fabricated case has been planted upon the petitioner, as it was a matter of record that an FIR stood registered against the complainant at the

instance of niece of the petitioner under Sections 328, 354-D, 376, 506 IPC on 03.03.2023. He submits that it was thus, for obvious reasons, just to pressurize the petitioner and his family to withdraw the FIR against the complainant, a false version had been brought forth in the FIR in question. Learned counsel further submits that the petitioner has now been in custody since 20.08.2023 and there is no likelihood of the trial concluding in the near future as even challan has not yet been presented. Learned counsel submits that a false version having been fabricated is further evident from the fact that at the time when the complainant along with his sister came to his clinic, there were other patients also present. He submits that it would not have been possible for the petitioner to have molested, much less attempted to molest the sister of the complainant in the presence of other patients, who were sitting in the clinic as well as in the presence of her own brother, i.e. the complainant. It has also been submitted that petitioner has clean antecedents as he is not involved in any other criminal case, much less a case of similar nature.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions, has not been able to controvert that an FIR under Sections 328, 354-D, 376, 506 IPC dated 03.03.2023 stands registered against the complainant at the instance of the niece of the petitioner.

4. I have heard learned counsel for the parties and perused the relevant material on record.

5. The petitioner has now been in custody since 20.08.2023 and there is no likelihood of the trial concluding in the near future as even challan has not yet been presented. In the facts and circumstances, as enumerated hereinabove, this Court thus deems it fit to extend the concession of bail to the petitioner. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

September 6, 2023
rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No