

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

**C.R.M-M No.22535 of 2014
Date of Decision : 30.01.2015**

Sagar Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. R.S. Sekhon, Advocate
for the petitioner.

Ms. Amarjit Kaur Khurana, Addl.A.G., Punjab.

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

AJAY TEWARI, J. (Oral)

This petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case F.I.R. No.125 dated 10.05.2014 registered under Section 376 IPC at Police Station Jodhewal, Ludhiana City, District Ludhiana.

Today the learned counsel for the petitioner states that the police has verified the school certificate (Annexure P-4) and has found that on the date of the occurrence the petitioner was a minor.

Learned Additional Advocate General on instructions from ASI

Makhan Singh has accepted this fact but states that from the record

available to her it is not clear whether this school which has issued the document (Annexure P-4) was the first attended school by the petitioner.

Learned counsel for the petitioner states that this issue would be more properly thrashed out by the Court but at this stage the material and the record of the FIR would definitely justify the grant of anticipatory bail to the petitioner because as per the allegation the prosecutrix stayed with the petitioner for more than a month.

Learned Additional Advocate General has not been able to deny this factual assertion.

In view of the facts and circumstances of the case, without going into the merits of the case, I deem it appropriate to grant the concession of anticipatory bail to the petitioner.

Resultantly, the petition is allowed.

In the event of arrest of the petitioner, he shall be released on bail to the satisfaction of the Investigating Officer subject to the conditions envisaged under Section 438(2) Cr.P.C.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

January 30, 2015

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**(AJAY TEWARI)
JUDGE**