

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.1459 of 2015
and
Criminal Misc. No.M-24327 of 2014

.....

Date of decision:23.1.2015

Pastor Dimple

.....Petitioner

v.

Sunita

.....Respondent

....

Present: Mr. Vipin Mahajan, Advocate for the petitioner.

Mr. Saurav Khurana, Advocate for the respondent.

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Inderjit Singh, J.

Cr. Misc. No.1459 of 2015:

For the averments made in the criminal miscellaneous application, copies of complaint dated 5.5.2010 filed by Taj Masih, statements of Taj Masih and Tajinder Kaur i.e. Annexure-R.1 to R.3 are taken on record subject to all just exceptions.

The criminal miscellaneous application stands disposed of.

Cr. Misc. No.M-24327 of 2014:

The petitioner has filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in criminal complaint No.4 dated 15.2.2010, in which the petitioner has been summoned to face trial vide summoning order dated 22.3.2014 (Annexure-P.6) for the offences under Sections 366, 376 and 506 IPC.

Notice of motion has been issued in this case.

Mr. Saurav Khurana, learned Advocate has put in appearance on behalf of the respondent and contested this petition.

I have heard learned counsel for the petitioner and learned counsel appearing for the respondent and have gone through the record.

Learned counsel for the petitioner contended that father of the petitioner had taken a loan of ₹40,000/- and out of the said amount ₹32,500/- was sought to be returned to the complainant family, but none of the complainant family came and the money was handed over to the mediator. It is further contended that no such incident had taken place. Learned counsel for the petitioner also contended that the Police has made the investigation and has not taken any action as the allegations were found incorrect.

From the record, I find that it is a complaint case. The petitioner has already appeared before the lower Court in view of the interim order passed by this Court and he has been released on bail.

The petitioner is not required for custodial interrogation. Nothing is to be recovered from him. He has only to face the trial. The trial of the case will take long time. No useful purpose will be served by sending the petitioner to custody.

Keeping in view the facts and circumstances of the present case; without discussing the facts in minute detail and without expressing any opinion on the merits of the case, I find merit in this petition and the same is allowed. The interim order dated 22.7.2014 passed by this Court

granting interim relief to the petitioner is made absolute.

January 23, 2015.

(Inderjit Singh)
Judge

hsp