

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Criminal Misc.No.M-2828 of 2015 (O&M)

Date of decision: 20th February, 2015

Jyoti alias Jyoti Rani and another

...Petitioners

Versus

Union Territory, Chandigarh

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. M.S.Bedi, Advocate,
for the petitioners.

Mr. Amandeep S.Gill, Advocate,
for the respondent-UT, Chandigarh.

INDERJIT SINGH, J.

Petitioners have preferred this petition under Section 438 Cr.P.C. seeking anticipatory bail in case FIR No.12 dated 08.01.2015, registered at Police Station Sector 11, Chandigarh, under Section 376 IPC.

Notice of motion was issued.

Learned counsel for respondent-UT, Chandigarh has appeared and contested this petition.

I have heard learned counsel for the petitioners and learned counsel for respondent-UT, Chandigarh and have gone through the record.

There is no allegation against petitioner No.2 Ajay alias Ajay Kumar regarding committing rape. Petitioner No.1 Jyoti alias Jyoti Rani is sister of main accused Rajinder with whom the complainant was residing. The allegations in the FIR are that petitioner No.1 Jyoti alias Jyoti Rani gave medicine to the

complainant to terminate her pregnancy. As argued, these allegations are of the year 2007. As per FIR, the complainant and main accused Rajinder resided together and in the year 2014, accused Rajinder had gone abroad without telling anything to the complainant. The only allegation against petitioner No.2 Ajay alias Ajay Kumar is that the complainant inquired from him on telephone about the whereabouts of accused Rajinder and petitioner No.2 Ajay alias Ajay Kumar refused to give the information and threatened to kill her. The petitioners have already joined the investigation. They are not required for custodial interrogation. No useful purpose will be served by sending the petitioners to custody.

Keeping in view the facts and circumstances of the present case and without discussing the merits of the case in minute details and without expressing any opinion on the merit of the case, the present petition is accepted and the order dated 28.01.2015, passed by this Court, granting interim bail to the petitioners, is made absolute.

20th February, 2015
mamta

(INDERJIT SINGH)
JUDGE