

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-33912 of 2014

.....

Date of decision:23.1.2015

Sukhmander Singh and another

.....Petitioners

v.

State of Punjab and another

.....Respondents

....

Present: Mr. O.P. Kamboj, Advocate for the petitioners.

Mr. Varun Sharma, Assistant Advocate General, Punjab
for the respondent-State.

Mr. Neeraj Madan, Advocate for the complainant-respondent
No.2.

.....

Inderjit Singh, J.

The petitioners have filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in criminal complaint No.226-1/19.12.2012 (Annexure-P.1) titled as Chhinder Kaur v. Sukhmander Singh and others filed for the offences under Sections 376, 506, 34 and 120-B IPC at Police Station Arniwala, District Fazilka, wherein the petitioners have been summoned for the offences under Sections 376, 506 and 34 IPC vide order dated 1.2.2014 (Annexure-P.2) passed by learned Judicial Magistrate Ist Class, Fazilka.

Notice of motion has been issued in this case.

Mr. Varun Sharma, learned Assistant Advocate General,

Punjab has put in appearance on behalf of the respondent-State and Mr. Neeraj Madan, learned Advocate has appeared for complainant-respondent No.2 and contested this petition.

I have heard learned counsel for the petitioners and learned Assistant Advocate General, Punjab appearing for the respondent-State and learned counsel for the complainant-respondent No.2 and have gone through the record.

The petitioners have been summoned for the offences under Sections 376, 506 and 34 IPC by the learned Judicial Magistrate Ist Class, Fazilka. The interim bail was granted to the petitioners by this Court vide order dated 30.9.2014. It has been brought to my notice that petitioner No.1 Sukhmander Singh has not appeared before the trial Court in compliance with the interim order passed by this Court. Therefore, no ground is made out to accept his anticipatory bail petition. Otherwise also, it has been brought to my notice that PO proceedings are going on against him. Therefore, criminal miscellaneous petition qua him is dismissed.

As regards, petitioner No.2 Boota Singh, he has appeared in the trial Court as per the arguments of the learned counsel appearing for the petitioners and he has been released on bail.

It is a complaint case. Therefore, I find that petitioner No.2 Boota Singh is not required for custodial interrogation. Nothing is to be recovered from him. He is only to face the trial which will take long time and no purpose will be served by sending petitioner No.2 to custody and

to keep him in custody till the disposal of the case.

Learned counsel for the petitioners also argued that there was dispute between the complainant as well as the petitioners. Earlier, the matter was got compromised. Even the husband of the complainant has filed application against the present petitioners and other persons.

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 this case, I find merit in this petition qua petitioner No.2 Boota Singh and the same is allowed qua him. The interim order dated 30.9.2014 passed by this Court granting interim bail to petitioner No.2 Boota Singh is made absolute.

January 23, 2015.

(Inderjit Singh)
Judge

hsp