

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

CRM-M-5490 of 2015

Date of Decision: June 30, 2015

Bishamber Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Ashok Kumar Sama, Advocate
for the petitioner.

Mr. C.S. Brar, DAG, Punjab

FATEH DEEP SINGH, J.

This is a petition under Section 438 Cr.P.C. for grant of anticipatory bail in FIR No.217 dated 19.09.2014 under Sections 323, 342, 376, 506, 511, 148, 149 IPC registered at Police Station Guruharsahai, District Ferozepur.

It is *inter alia* argued on behalf of the petitioner that the son of the petitioner namely Satnam Singh has instituted proceedings under Section 9 of the Hindu Marriage Act, 1955 against the present complainant-wife and that the medical report does not support the allegations of rape and which arguments could not be controverted on behalf of the learned counsel for the State, who has squarely accepted that the medical evidence nowhere suggests offence of rape.

Keeping in view the same and the fact that it was a pure matrimonial dispute and the petitioner in the light of the

arguments of the learned counsel for the petitioner is aged around 50 years, the present petition for grant of anticipatory bail is allowed. Petitioner be admitted to bail to the satisfaction of the arresting officer/Investigating Officer and that he shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

(FATEH DEEP SINGH)
JUDGE

June 30, 2015
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