

In the High Court of Punjab and Haryana at Chandigarh

Crl. Misc. No. M-16319 of 2016

Date of Decision: 06.9.2016

Prabhdyal @ Babbi @ Tota and another

.....Petitioners

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Veneet Sharma, Advocate
for the petitioners.

Mr. V.P.S.Sidhu, AAG, Punjab.

ANITA CHAUDHRY, J(ORAL)

Through the instant petition, the petitioners are seeking anticipatory bail in case FIR No. 342 dated 15.12.2014, registered under Sections 3(i), 3(x) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Section 376-D IPC, Police Station Patti, District Tarn Taran.

Counsel for the petitioners urges that a quashing petition has separately been filed based on the compromise. Counsel urges that looking at the tone and tenor of the allegations, the allegations are false.

State counsel states that the incident is of 14.12.2014 and the FIR was lodged on the next day and the MLR was conducted and spermatozoa was found but in the 164 Cr.P.C. statement, the victim had stated that they were three unknown persons and did not name any accused.

The petitioners are proclaimed offenders. They had earlier

approached this Court with an application under Section 438 Cr.P.C. directly. The petition was withdrawn with liberty to approach the Court below. The petitioners were declared proclaimed offenders on 6.2.2016. Since the petitioners are proclaimed offenders, they are not entitled to anticipatory bail and the application is not maintainable. The petitioners would surrender before the Court below.

Petition is dismissed.

(ANITA CHAUDHRY)
JUDGE

September 06, 2016
Gurpreet

Whether speaking/reasoned	:	Yes
Whether reportable	:	No