

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

225

CRM-M-18818-2016

Date of Decision: June 13, 2016

SUMAN & ANOTHER

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM:- HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr.Bijender Dhankhar, Advocate for the petitioner.

Ms.Dimple Jain, AAG, Haryana.

Mr.Paramjit Singh Jammu, Advocate for the complainant.

AMOL RATTAN SINGH, J.(Oral)

Learned counsel for the petitioners submits that even as per the FIR, no offence under the Protection of Children from Sexual Offences Act, 2012, has been made out against the petitioners, in as much as even if the filthy abuses stated to be made by Ankit is an offence under the said Act, they are not attributable to the petitioners, since the said abuses are shown to be made by Ankit and his sister-in-law after taking the complainant out of the presence of the petitioners.

However, learned State counsel has pointed to the statement of the complainant made under Section 164 of the Code of Criminal Procedure, before the learned JMIC, Sirsa, wherein she has stated that Ankit and Sukhbir showed her a pistol. Thus, it is submitted by the learned State counsel, and learned counsel for the complainant, that in any case, petitioner No.2 having threatened the complainant with his licensed pistol, as also enquired into by the Deputy Commissioner, he does not deserve the concession of anticipatory bail.

Keeping in view the above, since prima facie there is no

specific allegation made out against petitioner No.1, either under the

Protection of Children from Sexual Offences Act, 2012, nor with regard to threatening the complainant with a revolver, petitioner No.1, Suman, is admitted to anticipatory bail. In case of her arrest she would be immediately released on bail, on her furnishing adequate bail and surety bonds to the satisfaction of the arresting officer/Ilaqa Magistrate, Sirsa. She shall, further, abide by all the conditions stipulated in Section 438(2), Cr.P.C.

As regard petitioner No.2, the bail application is dismissed.

However, nothing observed herein above will be construed to be an expression on the merits of the case, either for or against the petitioners.

June 13, 2016
TSG

(AMOL RATTAN SINGH)
JUDGE