

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

Crl. Misc. No.M-4071 of 2016

Date of Decision: 04.02.2016

Deep Singh

....Petitioner

Versus

State of Punjab

....Respondent

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

- 1. Whether reporters of local newspapers may be allowed to see the judgment ? (Yes/No)**
- 2. To be referred to reporters or not ? (Yes/No)**
- 3. Whether the judgment should be reported in the Digest ? (Yes/No)**

Present:- Mr. J.S. Khiva, Advocate
for the petitioner.

DAYA CHAUDHARY, J. (ORAL)

This petition has been filed under Section 438 Cr.P.C for grant of anticipatory bail to the petitioner in case FIR No.124 dated 26.12.2015 registered under Section 376/34 IPC at Police Station Bareta, District Mansa.

Learned counsel for the petitioner submits that no specific role has been attributed to the petitioner. Simply, it has been mentioned that he was also present at the time of occurrence along with main accused. No allegation of rape is there against the petitioner.

Heard the arguments of learned counsel for the petitioner and have also perused the allegations levelled in the FIR.

The offence is under Section 376/34 IPC. As per allegations levelled in the FIR, the petitioner was present at the place of occurrence

along with main accused. There is no other reason to show that the petitioner has been implicated by the complainant with some ulterior motive as neither any enmity between the parties nor any fact has been brought to the notice of this Court due to which he has falsely been implicated. When Section 34 IPC is added, then only the presence is sufficient and individual role is not be seen at this stage as sharing common intention is a matter of evidence, which will be seen during trial.

Keeping in view the nature of offence and the allegations, no ground is made out to grant anticipatory bail to the petitioner.

The petition is accordingly dismissed.

04.02.2016
gurpreet

(DAYA CHAUDHARY)
JUDGE