

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

**Criminal Misc.No.M-5420 of 2016 (O&M)
Date of Decision : 18th November, 2016**

Tirath Ali

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Amit Dhawan, Advocate
for the petitioner.

Ms. Bhavna Gupta, DAG, Punjab
for the respondent(s)-State.

AJAY TEWARI, J. (Oral)

The petitioner has preferred the instant petition under Section 438 Cr.P.C., seeking anticipatory bail in case FIR No.03 dated 05.01.2016, registered at Police Station Sadar, Jalandhar, under Sections 406, 420 IPC.

On 15.02.2016, this Court, passed the following order:-

“Petitioner seeks the concession of pre-arrest bail in a case registered at the instance of Kiran Begum alleging that she had mortgaged her house to Ram Lubhaya and she has sought help for redemption of the same from the petitioner. The petitioner had not only committed rape but he had sold the property by obtaining her signatures on the paper and having promised to send her son abroad.

Counsel for the petitioner submits that vide annexure P-1, the complainant has sold one house in 3½ marls of land in Nakodar and is not giving vacant possession of the same as per agreement. On insistence of the petitioner, he has been

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involved in the false case.

Notice of motion for March 15, 2016.

Meanwhile, an interim direction is issued that the petitioner will join investigation on February 27, 2016 and in case of his doing so, he will be released on interim bail to the satisfaction of the arresting officer.”

Learned State counsel, on instructions, states that the petitioner has joined the investigation and he is not required for custodial interrogation. However, learned counsel for the petitioner has sought to argue that the petitioner has exploited and defrauded the complainant.

In view of the fact that the prosecution does not require the custodial interrogation of the petitioner, this Court finds no reason to dismiss the instant petition.

Resultantly, the interim order dated 15.02.2016 is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

Petition stands allowed.

(AJAY TEWARI)
JUDGE

18th November, 2016

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Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No