

Criminal Misc. No. M- 11963 of 2017 (O&M)

Date of decision : December 08, 2017

Sher Singh

.....Petitioner

Versus

State of Punjab

....Respondent

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Ranjit Singh, Advocate for
Mr. Navdeep Chhabra, Advocate
for the petitioner.

Mr. Rahul Rathore, DAG, Punjab.

Mr. Digvijay Nagpal, Advocate
for the complainant.

LISA GILL, J.

Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No. 94 dated 15.11.2016 under Sections 365, 376, 328, 120B IPC registered at Police Station Kabarwala, District Sri Muktsar Sahib.

It is submitted that the petitioner has been falsely implicated, in this case, due to the reason that he suffered a statement in favour of one Hakeem Daleep Singh on 29.07.2016 (Annexure P-3) against the complainant. Hakeem Daleep Singh, co-accused in this case, had lodged a complaint against the present complainant regarding theft of ₹26,000/- from his house on 01.07.2016. The complainant was working as domestic help at the residence of Hakeem Daleep Singh. The present FIR, it is submitted, was registered after an unexplained delay of over one month in respect to an incident alleged to have taken place on 15.10.2016. It is further argued that

the complainant is a married lady with three children. It is not possible that if she had gone missing on 15.10.2016, no report in the matter would have been lodged by her husband. Moreover, the petitioner has joined investigation. He is not involved in any other criminal case. The petitioner undertakes to face the proceedings and not abuse the concession of anticipatory bail, if confirmed. It is, thus, prayed that this petition be allowed.

Heard, learned counsel for the parties.

Learned counsel for the complainant as well as the State are unable to deny the complaint earlier filed by the co-accused Hakeem Daleep Singh neither is it denied that no report regarding the missing of complainant was lodged by her husband, though learned counsel for the complainant submits that another complaint under Section 354 IPC was filed against co-accused Hakeem Daleep Singh earlier by the complainant.

Learned counsel for the State, on instructions from ASI Raj Davender Singh, verifies that the petitioner has joined investigation pursuant to order dated 07.04.2017. It is further verified that representation Annexure P-3 was indeed submitted by the petitioner in favour of co-accused Hakeem Daleep Singh. The petitioner is not reported to be involved in any other criminal case.

There are no allegations on behalf of the State that the petitioner is likely to abscond or that he is likely to dissuade the witnesses from deposing true facts in the Court, if released on bail.

Keeping in view the facts and circumstances noted above but without expressing any opinion on the merits of case, it is considered just

and expedient to allow this petition. Consequently, order dated 07.04.2017 is made absolute.

It is reiterated that none of the observations made herein above are a reflection on the merits of the case and shall have no bearing on the trial.

It is, however, clarified that the petitioner shall not try to contact the complainant or any of her family members in any manner - directly or indirectly. Any such infraction on the part of the petitioner shall entail cancellation of his bail.

December 08, 2017
rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No