

Criminal Misc. M- No. 1239 of 2017 (O&M)

Date of decision : May 11, 2017

Ansar and another

.....Petitioners

Versus

State of Punjab

....Respondent

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Mohammad Arshad, Advocate for the petitioners.

Mr. Deep Singh, AAG, Punjab.

Mr. Munfaid Khan, Advocate for the complainant.

LISA GILL, J.

Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No. 215 dated 09.07.2016 registered under Sections 365, 354 (A) IPC at Police Station Zirakpur, District SAS Nagar, Mohali.

It is submitted that the petitioner has been falsely implicated in this case, as they are co-villagers in the parental village of the complainant. The complainant solemnised marriage with one Mohd. Assif Ali out of her own free will and volition against the wishes of her parents. FIR No. 190 dated 04.04.2016 under Sections 365, 366, 376D, 344, 506, 120B IPC was registered on the statement of the complainant at Police Station Nuh, Mewat in the State of Haryana. The present petitioners were not named in the said FIR registered at Nuh neither did the complainant name the present petitioners in her statement under Section 164 Cr.P.C. recorded in FIR No. 190 dated 04.04.2016 at Nuh. Present FIR has been registered merely out of fear of any kind of repercussions on account of her marriage with Mohd. Assif Ali. It is informed that the accused in above said FIR No. 190

registered at Nuh have since been acquitted. The petitioners have joined investigation in this case. It is, thus, prayed that this petition be allowed.

Learned counsel for the complainant submits that earlier FIR at Nuh was registered on the asking of parents of the complainant. Her statement under Section 164 Cr.P.C. was also recorded under pressure of her own parents. Specific allegations of violation of her person have been raised by the complainant against the petitioners. It is, however, not denied that the accused in FIR No. 190 registered at Nuh have since been acquitted. The accused in this case are being proceeded against for the offences punishable under Sections 365, 354A IPC. The complainant is now residing peacefully with her husband – Mohd. Assif Ali at her matrimonial home.

Learned counsel for the State, on instructions from Head Constable Bhushan affirms that the petitioners have joined investigation in the present case. No recoveries are to be effected from them. Their custodial interrogation is not required. The petitioners are not involved in any other case.

There are no allegations on behalf of the State that the petitioners are likely to abscond or that they are 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 01.02.2017 is made absolute.

May 11, 2017

rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No