

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

CRM-M-14539 of 2017(O&M)

Date of decision :24.11.2017

Murshad and another

..... Petitioners

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Sarfraj Hussain, Advocate
for the petitioners.

Mr. Anmol Malik, AAG, Haryana.

Ms. Amanpreet Kaur Sabharwal, Advocate
for the complainant.

LISA GILL,J(Oral)

Petitioner seeks the concession of anticipatory bail in FIR No.49 dated 16.05.2016, under Section 376-D, 365, 506 IPC, registered at Police Station Nuh, District Mewat.

It is submitted that the petitioners were found innocent during investigation and they have been summoned to face trial as additional accused on an application under Section 319 Cr.P.C. There is a delay of 11 days in lodging of the FIR by the husband of the alleged victim. Learned counsel for the petitioners while referring to the statement of one Subedar son of Ismail (Annexure P-5) submits that the alleged victim was found living with the co-accused-Imran Ahmad out of her own accord. Moreover, the petitioners are not involved in any other criminal case. They have appeared before the learned trial Court pursuant to order dated 13.09.2017 passed by this Court. They undertake to face trial and appear on each and every date fixed before the learned trial

Court. Therefore, this petition be allowed.

I have heard learned counsel for the parties.

It is not in dispute that the petitioners have since appeared before the learned trial Court. They have been admitted to interim bail in terms of order dated 13.09.2017 passed by this Court.

Learned counsel for the State, on instructions from ASI Saroj, verifies that the petitioners are not involved in any other criminal case. It is verified that they have appeared before the learned trial Court pursuant to interim order passed by this Court.

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 as above, but without commenting upon or expressing any opinion on the merits of the case, this petition is allowed. Consequently, interim bail afforded to the petitioners be made absolute subject to petitioners furnishing fresh bail bonds and surety to the satisfaction of the learned trial Court.

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.

24.11.2017

s.khan

(LISA GILL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable:Yes/No