

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

Criminal Misc. No.M- 15707 of 2017(O&M)

Date of Decision: August 10 , 2017.

Ajmer PETITIONER (s)

Versus

State of Haryana RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Sandeep Gahlawat, Advocate
for the petitioner.

Mr. Anmol Malik, AAG, Haryana.

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

LISA GILL, J.

Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No.13 dated 16.02.2017 under Sections 323/354A(1)/376(2)(d)/377/406/498A/506 IPC registered at Police Station Mohana, District Sonapat.

Contention of the petitioner were noted by a coordinate Bench of this Court on 05.03.2017 as under:-

“Counsel for the petitioner inter alia contends that as per the allegations raised in the FIR, complainants were finally turned out of the matrimonial home on 1.7.2016 but they lodged the complaint on 18.10.2016 and the FIR has been registered in February 2017. It

is further submitted that the petitioner is the husband of sister-in-law (nanad) of the complainants. He performed marriage with Shakila three years prior to marriage of the complainants with Jamildin and Anil, two real brothers. The petitioner is residing in Jind leading a blissful married life. The complainants have not specified any date, month or year when they were subject to rape by the petitioner. It is further submitted that allegation qua rape has been raised by the complainants in order to aggravate culpability of the accused and they have roped in 10 members of family of Jamildin and Anil. Jamildin, Anil and Alladin have been arrested in the case and Alladin has been released on bail. Another co-accused against whom allegations of rape have been levelled has been allowed benefit of interim bail by this court vide order dated 26.4.2017.”

It is submitted that co-accused who is similarly placed as the petitioner, has been afforded the concession of anticipatory bail by this Court on 04.08.2017 in CRM No.M-14130 of 2017 (Sakildeen v. State of Haryana). The petitioner has joined investigation pursuant to interim order passed by this Court. Therefore, this petition be allowed.

Learned counsel for the State, on instructions from SI Surender Kumar, submits that the petitioner has joined investigation and his custodial interrogation is not required. In fact final report under Section 173 Cr.P.C. has since been submitted in this 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 as above but without commenting upon or expressing any opinion on the merits of the case, this

petition is allowed. Consequently, order dated 05.05.2017 is made absolute.

It is clarified that none of the observations made hereinabove shall be construed to be a reflection on the merits of the case. The same are solely confined for the purpose of decision of the present petition.

August 10 , 2017.
'om'

(**LISA GILL**)
JUDGE

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