

Criminal Misc. No.M- 20019 of 2017 (O&M)

Date of decision : September 13, 2017

Sanjeev Kumar

.....Petitioner

Versus

State of Punjab

....Respondent

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Ms. Jasneet Mehra, Advocate for
Mr. L.M. Gulati, Advocate
for the petitioner.

Mr. Devinder Bir Singh, DAG, Punjab.

Mr. H.S. Baath, Advocate
for the complainant.

LISA GILL, J.

Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No. 227 dated 05.11.2016 under Sections 354D, 384, 376, 506 IPC registered at Police Station Dera Bassi, District SAS Nagar, Mohali.

It is submitted that the petitioner has been falsely implicated in this case. No offence under Sections 354D, 384, 376, 506 IPC is made out against the petitioner. The petitioner, it is stated, was an employee of the complainant's husband. Even as per the allegations in the FIR, the first incident in question allegedly took place in December, 2015. Thereafter, the petitioner and the complainant, it is submitted, maintained friendly relations. Reference is made to certain messages exchanged between them on their mobile phones. In this view of the matter, it is submitted that the relationship, if any, between the petitioner and the complainant was

entirely consensual. Moreover, the petitioner has joined investigation pursuant to interim order dated 01.06.2017 passed by this Court. He undertakes not to misuse the concession of anticipatory bail if granted to him. It is, thus, prayed that this petition be allowed.

Learned counsel for the State, on instructions from ASI Ramesh Lal, verifies that the petitioner has since joined investigation and his custodial interrogation is not required. Mobile phone belonging to the petitioner has also been recorded.

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 01.06.2017 is made absolute.

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

September 13, 2017
rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No