

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

1. Criminal Misc. No.M- 21653 of 2017(O&M)
Date of Decision: August 16 , 2017.

Pardeep Kumar PETITIONER(s)

Versus

State of Punjab RESPONDENT (s)

2. Criminal Misc. No. M- 19263 of 2017(O&M).

Rahul @ Ganja PETITIONER(s)

Versus

State of Punjab RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Aditya Kohar, Advocate for
Mr. Shantanu Singh, Advocate
for the petitioner in CRM No.M-21653 of 2017.
Mr. M.S.Rana, Advocate
for the petitioner in CRM No.M-19263 of 2017.

Mr. Davinder Bir Singh, DAG, Punjab.

Mrs. Anupam Bhanot, Advocate
for the complainant.

LISA GILL, J.

This order shall dispose of Criminal Misc. No.M-21653 of 2017
(Pardeep Kumar v. State of Punjab) and Criminal Misc. No.M-19263 of 2017
(Rahul @ Ganja v. State of Punjab).

Prayer in both the petitions is for grant of anticipatory bail to the petitioners in FIR No.25 dated 26.03.2017 under Sections 354/376/323/506/34 IPC registered at Police Station Cantt. Jalandhar.

Allegations as per FIR are that, the complainant is a 27 year old lady, married to one Gaurav having two children aged 7 and 6 years, respectively. Divorce proceedings were pending between the complainant and her husband. It is alleged that the complainant came in contact with petitioner – Pardeep Kumar about one and half years prior to the registration of the FIR in question. They developed friendly relations and visited many places together. Due to the relations which developed between them, allegedly on the false promise of marriage by the petitioner, the complainant became pregnant. However due to administration of certain pills by Pardeep Kumar, the pregnancy was terminated. The complainant and petitioner – Pardeep Kumar allegedly stayed at Mata Chintpurni Temple on 15.03.2017. When she asked him for marriage, he put her off on one pretext or the other. Thereafter, the petitioner – Pardeep Kumar changed his mobile number. It is further stated that petitioner – Pardeep Kumar called on her mobile on 25.03.2017 when the complainant was at her sister's home. He asked her to come out and talk to him. Petitioner – Pardeep Kumar, it is alleged, told the complainant that his parents were not agreeable for marriage. When she questioned him, the petitioner slapped her and entered into a quarrel with her. When she fell on the ground, he hit her in the stomach. In the meantime, petitioner – Rahul @ Ganja (younger brother of Pardeep Kumar) and their mother allegedly came to the spot and caught hold of the complainant while petitioner – Pardeep Kumar tried to choke her. The complainant, it is stated, was rescued with the intervention of

her elder sister, her elder sister's husband Rohit and Davinder Bhatti, father of Rohit.

It is submitted by learned counsel for the petitioners that both the petitioners have been falsely implicated in this case. It is argued that a bare perusal of the FIR reveals that even as per the allegations therein, the complainant who is a 27 year old married lady, had friendly relations with petitioner – Pardeep Kumar out of her own free will. She admittedly visited various places on her own and the relationship, if any, is consensual in nature. Allegation against the petitioner – Rahul @ Ganja is that he alongwith his mother caught hold of the complainant while petitioner – Pardeep Kumar tried to press her neck. Petitioner – Rahul @ Ganja is the younger brother of Pardeep Kumar. It is submitted that the mother of the petitioners has been afforded the concession of bail pending trial. It is further submitted that both the petitioners have joined investigation pursuant to orders dated 14.06.2017 in CRM No.M-21653 of 2017 and 26.05.2017 in CRM No.M-19263 of 2017. They undertake to cooperate in the investigation of the case. Therefore, these petitions be allowed.

Learned counsel for the State, on instructions from ASI Kishan Singh, verifies that the petitioners have joined investigation and their custodial interrogation is not required. It is further verified that they are not involved in any other criminal 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 as above but without

commenting upon or expressing any opinion on the merits of the case, both the petitions are allowed. Consequently, orders dated 14.06.2017 in CRM No.M-21653 of 2017 and 26.05.2017 in CRM No.M-19263 of 2017 are 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 16 , 2017.
'om'

(LISA GILL)
JUDGE

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