

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

Criminal Misc. No.M- 29012 of 2017(O&M)

Date of Decision: October 4 , 2017.

Gurtejpal Singh PETITIONER (s)

Versus

State of Punjab RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Rajiv Sidhu, Advocate for
Mr. N.S.Shekhawat, Advocate
for the petitioner.

Mr. Rahul Rathore, DAG, Punjab.

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.73 dated 03.07.2017 under Section 376 IPC registered at Police Station Haryana, District Hoshiarpur

It is submitted that the petitioner has been falsely implicated in the abovesaid FIR by the complainant. It is contended that the relationship, if any, between the petitioner and the complainant was clearly consensual. As per the allegations in the FIR, the complainant herself states that she had relations with the petitioner, who is none other but the son of her maternal aunt (Massi). It is further submitted that the petitioner was not even present in Chandigarh on

30.06.2017. Moreover, he has joined investigation pursuant to order dated 09.08.2017. Therefore, this petition be allowed.

Learned counsel for the State, on instructions from ASI Sushil Singh, verifies that the petitioner has joined investigation. It is not in dispute that the petitioner and the complainant are related to each other. The petitioner is not reported to be involved in any other criminal 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 09.08.2017 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.

October 4 , 2017.
'om'

(LISA GILL)
JUDGE

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