

Criminal Misc. No. M- 29339 of 2017 (O&M)

Date of decision : November 01, 2017

Prince

.....Petitioner

Versus

State of Punjab

....Respondent

CORAM:- HON'BLE MRS. JUSTICE LISA GILLPresent: Mr. Vaibhav Narang, Advocate
for the petitioner.

Mr. Saurav Khurana, DAG, Punjab.

LISA GILL, J.

Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No. 59 dated 23.04.2017 under Sections 376, 120B IPC registered at Police Station Islamabad, District Police Commissionerate Amritsar.

It is submitted that the petitioner, a young man of 20 years, has been falsely involved in this FIR. The relationship, if any, between the petitioner and the complainant is entirely consensual. The complainant, it is submitted, is major being 19 years old. As per the averments in the FIR itself, the complainant stated that she had friendly relations with the petitioner for the last three years. Learned counsel for the petitioner submits that in fact the family of the complainant was against this alliance. The petitioner's brother-in-law was beaten up by the family of the complainant on 28.03.2017. FIR No. 58 dated 23.04.2017 at 7.30 p.m. under Sections 326, 324, 323, 148, 149 IPC has been registered against the family members of the complainant. As a counterblast, the present FIR No. 59 was registered

at 11.50 p.m. Moreover, the petitioner even as on date seeks to marry the complainant but her family members are not permitting the solemnisation of marriage. The petitioner, it is submitted, has joined investigation pursuant to interim order passed by this Court. It is, thus, prayed that this petition be allowed.

Learned counsel for the State verifies the registration of FIR No. 58 by the petitioner's brother-in-law at 7.30 p.m. (Annexure P-2). It is verified, on instruction from ASI Naresh Kumar, that the petitioner has joined investigation and his custodial interrogation is not required. He 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 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 11.08.2017 is made absolute.

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

November 01, 2017

rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No