

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Crl. Misc. No. M-32783 of 2017
Date of Decision : November 09, 2017

Anil Kumar and anotherPetitioners

Versus

State of Haryana..... Respondent

CORAM : HON'BLE MRS. JUSTICE LISA GILL

...

Present: Mr.Amit Khatkar, Advocate
for the petitioners.

Mr. Anmol Malik, AAG, Haryana.

...

LISA GILL, J. (Oral)

The petitioners seek the concession of anticipatory bail in FIR No.74 dated 17.05.2017 under Sections 323, 354, 354D, 452 and 506 IPC and Section 12 of the Protection of Children from Sexual Offences Act, 2012 registered at Police Station Rajound.

Contentions on behalf of the petitioners noted while issuing notice of motion read as under:-

It is submitted that FIR No. 74 dated 17.05.2017, under Sections 323, 354, 354D, 452 and 506 IPC and Section 12 of Protection of Children From Sexual Offences Act, 2012, registered at Police Station Rajound, District Kaithal, is the result of a land dispute within the family. Moreover, there is no question of any such act being committed by petitioner no.1 as mentioned in the FIR, as the complainant's daughter and

petitioner no.1 are cousins. No overt act has been attributed to petitioner no.2, who is mentioned as Meet son of Kala in the FIR.”

It is informed that the petitioners have joined investigation pursuant to interim order passed by this Court. Therefore, this petition be allowed.

Learned counsel for the State, on instructions from ASI Subhash Chander, Police Station Rajound, does not dispute that petitioner No.1 and the complainant belong to one family. It is verified that the petitioners have since joined investigation pursuant to interim order passed by this Court and their custodial interrogation is not required. The petitioners are not reported to be involved in any other criminal case. There is no allegation that the petitioners are likely to abscond or that they are likely to dissuade the witnesses from deposing true facts before the learned trial Court, if released on bail.

Keeping in view the facts and circumstances of the case but without expressing any opinion on the merits of the case, it is considered just and expedient to allow this petition. Consequently, order dated 19.09.2017 is made absolute.

None of the observations made here-in-above shall be construed to be a reflection on merits of the case and shall have no bearing on trial.

09.11.2017
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(LISA GILL)
JUDGE

Note: Whether speaking/reasoned

Yes / No

Whether Reportable:

Yes / No

