

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

**Crl. Misc. No. M-33509 of 2017
Date of Decision : November 09, 2017**

Rahul KumarPetitioner

Versus

State of Punjab Respondent

CORAM : HON'BLE MRS. JUSTICE LISA GILL

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Present: Mr. Vishavjeet Singh, Advocate
for the petitioner.

Mr. Saurav Khurana, DAG, Punjab.

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LISA GILL, J. (Oral)

The petitioner seeks the concession of anticipatory bail in FIR No.81 dated 28.04.2017 under Sections 363/366-A/120-B IPC and later on added Section 376 IPC as well as Sections 4 to 8 of Protection of Children from Sexual Offences Act, 2012 registered at Police Station City Phagwara District Kapurthala.

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

“It is submitted that the petitioner has been implicated in this case merely because of his relationship with the co-accused-Sidhant, who is alleged to have allured the complainant's daughter in order to marry her. The petitioner is the younger brother of co-accused-Sidhant. The complainant's daughter and the petitioner's brother solemnized marriage on 20.04.2017. It is further submitted that the victim in her statement under Section 164 Cr.P.C. has not levelled any

allegations against the present petitioner.”

The petitioner, it is submitted, has joined investigation pursuant to interim order passed by this Court. He is not involved in any other case. Therefore, this petition be allowed.

Learned counsel for the State, on instructions from ASI Sukhwinder Singh, Police Station City Phagwara District Kapurthala, is unable to deny that the victim in this case has not levelled any allegation against the petitioner even in her statement under Section 164 Cr. P.C. The petitioner's brother and the complainant's daughter have solemnized marriage on 20.04.2017. It is verified that the petitioner has since joined investigation pursuant to interim order passed by this Court. No recovery is to be effected from him. The petitioner is not reported to be involved in any other criminal case. There is no allegation that the petitioner is likely to abscond or that he is 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 11.09.2017 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
Whether Reportable:

Yes / No
Yes / No