

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

Criminal Misc. No.M- 34189 of 2017(O&M)

Date of Decision: September 26 , 2017.

Sunny Kumar PETITIONER (s)

Versus

State of Punjab and another RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Sunny K.Singla, Advocate
for the petitioner.

Mr. Karanbir Singh, AAG, Punjab.

Mr. Manu Loona, Advocate
for the complainant/respondent No.2.

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 quashing of order dated 05.09.2017 passed by the learned Additional Sessions Judge, Ludhiana whereby the petitioner's application for exemption from personal appearance was dismissed and bail granted to him was cancelled in FIR No.102 dated 01.06.2015 under Sections 363/366A/376 IPC and Sections 4 and 8 of the Protection of Children from Sexual Offences Act, 2012, registered at Police Station Division No.4,

Ludhiana.

It is submitted that the petitioner has been falsely implicated in this case. It is contended that the petitioner and the prosecutrix are living together after solemnization of marriage. It is due to registration of a subsequent FIR No.174 dated 20.08.2017 at the instance of respondent No.2 (father-in-law of the petitioner) that he could not appear before the learned trial court in the present case. It is submitted that the petitioner appeared before the learned trial court pursuant to order dated 15.09.2017 passed by this Court. The petitioner, it is submitted, undertakes to appear before the learned trial on each and every date fixed before the learned trial court. Therefore, this petition be allowed.

Heard learned counsel for the parties.

Learned counsel for the State, on instructions from HC Gurpreet Singh, submits that the petitioner has appeared before the learned trial court and admitted to interim bail.

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. Interim bail granted to the petitioner by the learned trial court pursuant to order dated 15.09.2017 be made absolute subject to the petitioner submitting fresh bail bonds and surety to the satisfaction of the learned trial court.

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.

September 26 , 2017.
'om'

(LISA GILL)
JUDGE

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