

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

Crl. Misc. No. M-40567 of 2016

Date of Decision : December 21, 2017

Ashok KumarPetitioner

Versus

State of Punjab and another Respondents

CORAM : HON'BLE MRS. JUSTICE LISA GILL

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Present: Mr. Rishu Mahajan, Advocate
for the petitioner.

Mr. Rahul Rathore, DAG, Punjab.

Mr. Mukesh Kumar Bhatnagar, Advocate
for the complainant/respondent No.2.

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LISA GILL, J. (Oral)

The petitioner seeks the concession of anticipatory bail in FIR No.80 dated 27.08.2016 under Sections 344/376 IPC registered at Police Station Islamabad, Amritsar.

It is submitted that the petitioner has been falsely implicated in the present case. Relationship between the petitioner and the complainant, if any (though not admitted), it is submitted was purely consensual. A bare reading of the FIR it is submitted does not reveal the commission of any offence by the present petitioner.

Moreover, the petitioner has joined investigation. The State on investigating the matter has found allegations raised by the complainant to be incorrect. A cancellation report in this case has been filed. It is, thus,

prayed that this petition be allowed.

Learned counsel for the complainant/respondent No.2 has vehemently opposed this petition while submitting that the cancellation report if any has been wrongly submitted.

Learned counsel for the State, on instructions from HC Baljendar Singh, Police Station Islamabad, Amritsar, affirms and verifies that a cancellation report in this case has been filed and the matter is now listed on 06.01.2018. It is further verified that the petitioner has since joined investigation pursuant to interim order passed by this Court. 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 15.11.2016 is made absolute.

None of the observations made here-in-above shall be construed to be a reflection on merits of the case. Same are confined to decision of this case. Needless to say the matter regarding cancellation of FIR shall be considered on merits by the court of competent jurisdiction after hearing the complainant and taking into account the facts and circumstances of the case.

21.12.2017

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**(LISA GILL)
JUDGE**

Note: Whether speaking/reasoned
Whether Reportable:

Yes / No
Yes / No