

**IN THE HIGH COURT OF PUNJAB AND HARYANAAT
CHANDIGARH**

Criminal Misc. No.M- 43017 of 2016(O&M)

Date of Decision: July 5 , 2017.

Avinash Kumar @ Bablu

..... PETITIONER (s)

Versus

State of Punjab and another

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Gurbir Singh Toor, Advocate
for the petitioner.

Ms. Monika Jalota, DAG, Punjab.

Mr. PKS Phoolka, Advocate
for the complainant.

LISA GILL, J.

The petitioner prays for bail pending trial in Criminal Complaint No.1505 of 01.04.2014 under Section 376 IPC titled as 'Shikha v. Avinash Kumar @ Bablu' pending in the court of Judicial Magistrate First Class, Bathinda.

It is submitted that the petitioner has been falsely implicated in this case. The petitioner and the complainant, in fact, solemnized marriage on 10.10.2013 and lived together as husband and wife till nearly the middle of January, 2014. The police on investigation had found the petitioner to be innocent. It is further submitted that the photographs of marriage (Annexure A1)

clearly belies the averment of the complainant being under any kind of intoxication at the time of carrying out of the marriage ceremonies. Furthermore, the petitioner undertakes to appear on each and every date fixed before the learned trial court and face trial. It is submitted that the petitioner is not involved in any other matter except a complaint under Section 138 of the Negotiable Instruments Act. The petitioner has been in custody since 16.09.2016. Charge against the petitioner in this case has been framed. Therefore, it is prayed this petition be allowed.

Learned counsel for respondent No.2 has opposed this petition. However, it is not denied that the charge in this case has been framed and the petitioner has been in custody since 16.10.2016.

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 filed by Avinash Kumar @ Bablu is allowed. The petitioner shall be released on bail pending trial subject to his furnishing requisite 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.

July 5, 2017.
'om'

(LISA GILL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No