

Criminal Misc. M- No. 45870 of 2016 (O&M)

Date of decision : May 08, 2017

Bholi and another

.....Petitioners

Versus

State of Punjab

....Respondent

CORAM:- HON'BLE MRS. JUSTICE LISA GILLPresent: Mr. Deepak Arora, Advocate
for the petitioners.

Mr. Deep Singh, AAG, Punjab.

LISA GILL, J.

Prayer in this petition is for grant of anticipatory bail to the petitioners in FIR No. 79 dated 27.10.2016 registered under Sections 376, 109, 120B IPC at Police Station Sekhwan, District Batala.

It is submitted that petitioner No. 1 is the step-mother and petitioner No. 2 is the step-brother of the complainant. The complainant has raised allegations against her own father (husband of petitioner No. 1 and step father of petitioner No. 2), which attract the rigours of Section 376 IPC. The present petitioners have been implicated due to their relationship with the complainant's father. It is further submitted that the allegations were raised due to certain misunderstandings, which had arisen between the complainant and her father. The complainant has been living with her mother, who is obviously living separately from the complainant's father. During investigation of the matter by the SHO, Police Station Sri Hargobindpur, the present petitioners were found innocent and it was

initially recommended that action be taken against the complainant's father only. However, the present petitioners have been wrongly proceeded against. Furthermore, the petitioners have joined investigation. They undertake to face trial and not misuse this concession if granted to them. It is, thus, prayed that this petition be allowed.

Learned counsel for the State, on instructions from ASI Vijay Kumar, Police Station Sekhwan, submits that the petitioners have indeed joined investigation. Their custodial interrogation is not required. It is not denied that allegations regarding the commission of offence punishable under Section 376 IPC have been raised by the complainant against her father only.

There are no allegations on behalf of the State that the petitioners are likely to abscond or that they are likely to dissuade the witnesses from deposing true facts in the Court, if released on bail.

Keeping in view the facts and circumstances noted above but without expressing any opinion on the merits of case, it is considered just and expedient to allow this petition. Consequently, order dated 22.03.2017 is made absolute.

May 08, 2017
rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes

Whether reportable : Yes/No