

**215-a IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Criminal Misc. No. M- 5857 of 2017 (O&M)

Date of decision : November 02, 2017

Sukha Singh

.....Petitioner

Versus

State of Punjab and another

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Vivek Salathia, Advocate
 for the petitioner.

Mr. Rahul Rathore, DAG, Punjab.

Mr. Vivek Singla, Advocate for
Mr. Vikas Gupta, Advocate
for respondent No. 2.

LISA GILL, J.

Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No. 171 dated 02.09.2013 under Sections 376, 506 IPC registered at Police Station Ajnala, District Amritsar.

It is submitted that the above said FIR was in fact registered on the basis of certain misunderstandings between the petitioner and the complainant, who are next door neighbours. The misunderstandings were removed subsequently and no action was taken by the police in this respect. It is subsequently for the reasons best known to the prosecution that the matter was suddenly raked up and instead of filing the cancellation report, proceedings were initiated. One of the co-accused was taken in custody. Thereafter, the complainant even went to the extent of executing a written settlement with the petitioner. Moreover, the petitioner has joined investigation pursuant to interim order passed by this Court. It is, thus, prayed that this petition be allowed.

Learned counsel for the State verifies that the petitioner has joined investigation. It is submitted that serious allegations have been levelled against the petitioner. Learned counsel for the State is unable to explain as to why the matter was kept pending from 02.09.2013 till December, 2016 when the co-accused SukrajSingh @ Ladoo was arrested. It is verified that the petitioner is not involved in any other criminal case. Final report under Section 173 Cr.P.C. has since been presented against the co-accused. Needless to say the veracity or otherwise of the documents dated 07.02.2017 (Annexure P-2) or the averments that the FIR in question was registered due to misunderstandings between the parties, is something to be tested before the learned trial Court and not in the present proceedings.

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 02.03.2017 is made absolute.

It is reiterated that none of the observations made herein above are a reflection on the merits of the case and shall have no bearing on the trial.

November 02, 2017
rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No