

**Criminal Misc. No. M- 8385 of 2017 (O&M)**

Date of decision : November 16, 2017

Ajay Kumar @ Ajay Sharma

.....Petitioner

Versus

State of Punjab

....Respondent

**CORAM:- HON'BLE MRS. JUSTICE LISA GILL**Present: Mr. Harminder Singh, Advocate  
for the petitioner.

Mr. Saurav Khurana, DAG, Punjab.

Mr. Simranjit Singh, Advocate  
for the complainant.

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**LISA GILL, J.****CRM-22090 of 2017**

Prayer in the application is for placing on record complaint dated 04.01.2017 and phone call recording as Annexures A-1 and A-2. The same are taken on record subject to just exceptions. Filing of certified copy of Annexure A-1 is exempted.

Application is disposed of.

**CRM Nos. 24933-34 of 2017**

Reply to CRM-22090 of 2017 on behalf of the petitioner alongwith Annexure P-5 is taken on record subject to just exceptions. Filing of certified/typed copy of Annexure P-5 is exempted.

Applications are disposed of.

**CRM No. 26990 of 2017**

Prayer in the application is for placing on record true transcript of Audio call as Annexure A-3. The same is taken on record subject to just

exceptions.

Application is disposed of.

**Criminal Misc. No. M- 8385 of 2017 (O&M)**

Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No. 23 dated 10.02.2017 under Sections 376, 384, 452, 379 IPC registered at Police Station Dinanagar, Gurdaspur.

It is submitted that the petitioner has been falsely implicated in this case. The complainant and the petitioner, it is stated, were well known to each other since the year 2009. They are admittedly neighbours. Their land is also stated to be adjoining. The complainant has alleged that her husband is serving the Army and the petitioner who is their neighbour often visited their house. The petitioner allured her and often took away her children and forcibly violated her person as well but she kept quiet for maintaining her reputation. There are further allegations of extortion under the threat of making public her video clips etc. and causing harm to her family members. Learned counsel for the petitioner vehemently argues that the allegations raised by the complainant are patently false and have been levelled due to a dispute in connection with their adjoining lands. Learned counsel for the petitioner refers to FIR No. 0004 (Annexure P-1) to submit that this FIR was registered prior in time on 04.01.2017 at the instance of the petitioner and thereafter the present FIR No. 23 was registered on 10.02.2017 on a complaint which is admittedly submitted on 07.01.2017 by the complainant as is reflected in Annexure P-5. The mobile phone of the petitioner alongwith two data cards have been duly recovered. The petitioner has submitted his voice samples as well. It is further submitted that there is no medical evidence on record to substantiate the averments

made by the complainant. The petitioner has joined investigation. He is not involved in any other criminal case. It is, thus, prayed that this petition be allowed.

Learned counsel for the State verifies that the complainant and the petitioner were known to each other. This fact is not denied by learned counsel for the complainant as well. It is verified that the mobile phone of the petitioner alongwith two data cards have been recovered and his voice samples have been taken. The petitioner is not reported to be involved in any other criminal case.

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 noted above but without expressing any opinion on the merits of case, it is considered just and expedient to allow this petition. In the event of his arrest, petitioner shall be released on bail to the satisfaction of Investigating Officer/ Arresting officer. He shall appear before the Investigating agency as and when required. Petitioner shall comply with the conditions stipulated in Section 438(2) Cr.P.C.

November 16, 2017  
rts

**(Lisa Gill)**  
**Judge**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No