

Rakesh Kumar

.....Petitioner

Versus

State of Punjab

....Respondent

CORAM:- HON'BLE MRS. JUSTICE LISA GILLPresent: Mr. Shobit Phutela, Advocate
for the petitioner.

Mr. D.S. Sukarchakia, DAG, Punjab.

LISA GILL, J.

Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No. 17 dated 28.02.2018 under Sections 328, 376, 506, 384 IPC (Section 66E of the Information Technology Act, 2000 added later) registered at Police Station Moonak, District Sangrur.

It is submitted that the petitioner has been falsely implicated in this case due to pressure of the complainant's family. In fact, the marriage was solemnised by the petitioner and complainant on 24.12.2017. Reference is made to certificate dated 24.12.2017 (Annexure P-2) issued by the management of the Gurdwara in question and the photographs attached as Annexures P-3 and P-4 respectively. Petition i.e. CRM-M-5-2018 (Annexure P-5) was filed by the petitioner and complainant seeking protection of their life and liberty at the hands of parents of the complainant. The said petition was disposed of on 02.01.2018 (Annexure P-6). It is further contended that even as per allegations in the FIR, the complainant had friendly relations with the petitioner for two years prior to the lodging of the FIR. Therefore, no offence is made out against the petitioner as there is no element of force involved. Moreover, there is nothing on record to

show any intoxicant ever being administered to the complainant. The

petitioner has not taken any obscene or indecent photographs/videos of the complainant. The petitioner, it is submitted, has joined investigation. His mobile phone has been handed over. The petitioner earlier sold a mobile phone. However, he undertakes to give the details of its sale and the person to whom it was sold to the police authorities within the next two days. It is, thus, prayed that this petition be allowed.

Learned counsel for the complainant has opposed this petition while submitting that specific allegations have been levelled against the petitioner. However, the certificate (Annexure P-2) and photographs (Annexure P-3) are not denied though it is sought to be explained that the complainant was under pressure at that time. Needless to say it is a matter of evidence as to whether there was any element of force or pressure at the relevant time and the same shall be considered by the appropriate forum at the relevant time. No opinion is being expressed thereon.

Learned counsel for the State, on instructions from ASI Gurbhej Singh, verifies the document attached as Annexure P-2. On instructions from ASI Gurbhej Singh, it is verified that the petitioner has joined investigation and he is not 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. Consequently, order dated 27.03.2018 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.

May 17, 2018
rts

(Lisa Gill)
Judge

Whether speaking/reasoned :	Yes/No
Whether reportable :	Yes/No