

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

Crl. Misc. No. M-17771 of 2017

Date of Decision : February 02, 2018

Mohammad Iliaz and others.....Petitioners

Versus

State of Punjab Respondent

CORAM : HON'BLE MRS. JUSTICE LISA GILL

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Present: Mr. Mandeep Kumar Dhot, Advocate
for the petitioners.

Ms. Seena Mand, DAG, Punjab.

Mr. Sunny Singla, Advocate
for the complainant.

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LISA GILL, J. (Oral)

The petitioners seek the concession of anticipatory bail in FIR No. 136 dated 08.09.2016 under Sections 376-D, 506, 120-B IPC and Section 4 of the Protection of Children from Sexual Offences Act, 2012 registered at Police Station City 1, Malerkotla.

It is submitted that initially a cancellation report in this case was prepared. A representation was then submitted by the complainant upon which the matter was again inquired into and it is thereafter that the petitioners are being proceeded against for the offence punishable under Sections 376-D, 506, 120-B IPC and Section 4 of the Protection of Children from Sexual Offences Act, 2012. It is further submitted that reliance by the prosecution on the FSL report is an exercise in futility as the examination of the victim was conducted much after the alleged incident

and cannot connect the petitioners with the commission of offence in any manner. Moreover, the petitioners have joined investigation. Final report under Section 173 Cr.P.C. has since been presented. The petitioners undertake to face the proceedings and appear before the learned trial Court on each and every date. It is, thus, prayed that this petition be allowed.

Learned counsel for the complainant has opposed this application while stating that serious allegations are raised against the petitioners. However, it is not denied by learned counsel for the complainant as well as the State that in this case initially a cancellation report was prepared. However, on investigation carried out on a representation filed thereafter by the complainant the petitioners were proceeded against.

Learned counsel for the State, on instructions from HC Balbir verifies that final report under Section 173 Cr.P.C. has been presented. It is further verified that the petitioners have joined investigation and their custodial interrogation is not required. The petitioners are not reported to be involved in any other criminal case.

Keeping in view the facts and circumstances of the case but without expressing any opinion on the merits of the case, it is considered just and expedient to allow this petition. Consequently, order dated 24.08.2017 is made absolute.

None of the observations made here-in-above shall be construed to be a reflection on merits of the case and shall have no bearing on trial.

02.02.2018
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(LISA GILL)
JUDGE

Note: Whether speaking/reasoned
Whether Reportable:

Yes / No
Yes / No