

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Misc. No. M-25513 of 2018

Date of Decision: June 19, 2018

Jagtar Singh and another

.....Petitioners

versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE SUDHIR MITTAL

Present: Mr. Vaibhav Sehgal, Advocate and
Mr. Nagar Singh, Advocate
for the petitioners

Mr. H.S. Sullar, DAG Punjab

Mr. D.D. Sharma, Advocate
for the complainant

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Sudhir Mittal, J. (Oral)

The present petition has been filed for grant of anticipatory bail to the petitioners in case FIR No. 50 dated 26.05.2018 under Sections 354-B, 323, 34 IPC, registered at Police Station Mehal Kalan, District Barnala.

Heard learned counsel for the parties.

As per the allegations in the FIR, petitioners have allegedly assaulted the complainant and outraged her modesty in connivance with each other.

Learned counsel for the petitioners submits that a cross case has been registered against the complainant and the same is on record as Annexure P-5. Reliance is also placed upon photographs Annexure P-6 to contend that infact the complainant was the aggressor party.

Learned State counsel, however, submits that the cross version got registered by wife of petitioner No. 1 is dated 27.05.2018 whereas the FIR is dated

the FIR, Section 354-B IPC is clearly made out and, therefore, the petitioners do not deserve the concession of anticipatory bail.

Learned counsel for the complainant supports the contentions of learned State counsel.

It is apparent that this is a case of version and cross-version. No recovery is to be effected from the petitioners. Each party supports its own case by way of oral evidence and the truth of the allegations will be determined only during the trial of the case. There is no necessity for custodial interrogation of the petitioners.

In view of the above, the petition is allowed. The petitioners are directed to join the investigation on 25.06.2018 at 10.00 a.m. and shall continue to do so as and when required by the Investigating Agency. In the event of their arrest, the petitioners shall be released on bail to the satisfaction of the Investigating Officer/Arresting Officer/SHO concerned subject to their compliance of provisions enshrined under Section 438(2) of the Code of Criminal Procedure, 1973.

June 19, 2018

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[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No