

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

Criminal Misc. No.M-29787-2017

Date of Decision: April 17, 2018.

**BALWINDER SINGH AND ANR
Versus**

..... PETITIONERS

RAJ KAUR

..... RESPONDENT

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. A.P.S. Sandhu, Advocate
for the petitioners.
Mr. O.P. Kamboj, Advocate,
for respondent No. 2.

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

LISA GILL, J.

Prayer in this petition is for grant of anticipatory bail to the petitioners in complaint No.380 dated 22.04.2014 under Section 376/34 IPC, registered at Police Station Sadar Ferozepur.

Contentions on behalf of the petitioners as noted by this Court while issuing notice of motion in this case on 17.08.2017 read as under:-

'It is submitted that the petitioners have been falsely implicated in this case. The allegations were thoroughly investigated by the police and petitioners were found to be innocent. In-fact, there were financial dealings between petitioner no.2 and Balbir Singh (CW-3). The complainant as well as her mother in this case, it is submitted earlier lodged complaints of a similar nature against other persons

and thereafter compromised the same. Reference is made to Annexures P-6, P-7 and P-8. Learned counsel submits that the petitioners are not involved in any other case. They are ready and willing to face trial'

Learned counsel for the petitioners submits that the petitioners have appeared before the learned trial Court pursuant to order dated 17.08.2017 passed by this Court. They undertake to face the proceedings and appear on each date fixed before the trial Court and not misuse the concession of anticipatory bail, if afforded to them. It is, thus prayed that this petition be allowed.

Learned counsel for the complainant is unable to deny that the earlier complaints filed by the complainant and her mother (Annexures P-6, P-7 and P-8) were amicably settled though it is submitted that the same cannot impinge upon the veracity of the allegations raised in this case. It is confirmed that the petitioners have appeared before the learned trial Court and are facing trial.

It is categorically stated by learned counsel for the petitioners that both the petitioners are not involved in any other criminal case. There are no allegations that the petitioners are likely to abscond or that they are likely to dissuade the witnesses from deposing true facts before the Court, if released on bail.

Keeping in view the facts and circumstances as above but without commenting upon or expressing any opinion on the merits of the case, this petition is allowed. Consequently, interim bail afforded to the petitioners pursuant to order dated 17.08.2017 be made absolute subject to their furnishing fresh bail bonds and surety to the satisfaction of learned trial Court.

It is clarified that none of the observations made hereinabove shall be construed to be a reflection on the merits of the case. The same are solely confined for the purpose of decision of the present petition.

April 17, 2018
jyoti-3

(LISA GILL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No