

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

Crl. Misc. No.M-35091 of 2018

Date of decision : 21.08.2018

Maninder Singh

.....Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. P.S. Ahluwalia, Advocate
for the petitioner.

Mr. Jagmohan Ghumman, DAG, Punjab.

Mr. Himanshu Sharma, Advocate
for the complainant.

ANITA CHAUDHRY, J(ORAL)

The petitioner is seeking regular bail in FIR No. 60 dated 23.03.2018, registered under Sections 376, 328, 506, 120-B IPC, Police Station Lalru, District SAS Nagar, Mohali.

Counsel for the petitioner contends that the petitioner is in custody since 07.04.2018 and challan has been presented. Counsel further states that the alleged incident is of August 2016 and the FIR has been lodged in March 2018. The counsel further submits that the complainant did not disclose that she had earlier lodged a complaint upon which FIR No. 79 dated 27.05.2017 had been lodged and the complainant made a statement and thereafter, the cancellation report was filed. The counsel refers to the order (Annexure P-6) passed by the Magistrate on 09.06.2017. The counsel further submits that an FIR had been registered against the mother of the

complainant. The counsel refers to the order (Annexure P-3) passed on the petition filed by Anupreet Kaur. Counsel further states that the medical was got done subsequent to the FIR and to all the questions the answer is that the victim did not know and there is no medical evidence to support the statement.

Counsel appearing for the complainant urges that a cancellation report had been submitted in the FIR lodged by the co-accused Mastan Singh.

The counsel for the complainant has been unable to place on record any document to show that the FIR lodged in January 2017 against the mother of the petitioner had been cancelled.

A perusal of Annexure P-2 shows that not only the complainant's mother but the complainant was also cited as an accused.

The FIR has been lodged with a delay of almost two years. There is previous FIR lodged by the co-accused against the complainant and her mother relating to blackmail and extortion. A recorded conversation had been handed over to the police. Considering these circumstances but without commenting on the merits of the case, the petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal and surety bonds to the satisfaction of trial Court/Duty Magistrate.

21.08.2018

sunil

**(ANITA CHAUDHRY)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No