

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

205

Criminal Misc. No.M-36437-2017

Date of Decision: March 28, 2018.

PRINCE DHINGRA

..... PETITIONER

Versus

STATE OF PUNJAB

..... RESPONDENT

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Amit Goyal, Advocate
for the petitioner.

Ms. Seena Mand, DAG, Punjab.

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 petitioner in FIR No. 61 dated 29.04.2016 under Sections 376, 342, 34 IPC registered at Police Station Sadar Jalandhar, District Jalandhar.

Contentions on behalf of the petitioner as noted by this Court while issuing notice of motion in this case on 27.09.2017 read as under:

It is contended that the petitioner has been named in FIR No.61 dated 29.04.2016 under Section 376, 342, 34 IPC registered at Police Station Sadar Jalandhar, District Jalandhar. As per the allegations in the FIR, the offence punishable under Section 376 IPC has been committed by the co-accused. It is mentioned in the FIR that an unknown person helped the co-accused Deepak in the commission of the offence. The petitioner has not

been named either in the FIR or in the statement of the prosecutrix under Section 164 Cr.P.C. recorded on 17.05.2016. The victim, it is submitted, joined as Receptionist at the Hotel run by the petitioner on 19.07.2016. She worked there till 30.09.2016. However, the petitioner was not named at any stage till the recording of her statement on 24.08.2017, when she stated the petitioner to be unknown person who aided the co-accused in the commission of the offence. It is argued that the petitioner is the real brother of the main accused Deepak. Admittedly his relations with his brother are not cordial. FIR No. 50 dated 27.02.2015 was registered by the petitioner against his brother. The proceedings arising out of the FIR are still underway. Therefore, involvement of the petitioner is clearly for ulterior motives.'

Learned counsel for the petitioner submits that the petitioner who was summoned under Section 319 Cr. P.C., has appeared before the learned trial Court pursuant to order dated 27.09.2017 and thereafter has been appearing regularly. He undertakes 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 him. Therefore, it is prayed that this petition be allowed.

Learned counsel for the State, on instructions from ASI-Avtar Singh verifies that the petitioner has appeared before the learned trial Court and has been regularly appearing in the said matter. It is further informed that petitioner is involved in five other criminal cases, though it is not denied that he has acquitted in four of them. He is facing the proceedings in FIR No. 50 dated 27.02.2015. The said FIR was lodged at the instance of the petitioner's brother namely, Deepak (co-accused) against him.

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 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 petitioner pursuant to order dated 27.09.2017 be made absolute subject to his 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.

March 28, 2018
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(LISA GILL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No