

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

**CRM-M-3811 of 2018 (O&M)
Date of Decision:19.03.2018**

Shiva and another

..... Petitioners

Versus

State of Punjab

..... Respondent

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. A.S.Brar, Advocate
for the petitioner.

Mr. Anmol Singh Sandhu, AAG., Punjab.

LISA GILL, J(Oral).

Petitioner seeks the concession of anticipatory bail in FIR No.228 dated 18.11.2017, under Sections 354-A, 34 IPC (Section 354-B IPC and Section 8 of the Protection of Children from Sexual Offences Act, 2012 added later on), registered at Police Station City Moga, District Moga.

Contentions on behalf of learned counsel for the petitioners noted while issuing notice of motion read as under:-

“It is submitted that present FIR No. 223 dated 18.11.2017 has been registered only with a view to pressurise the complainant and the witness in FIR No. 157 dated 17.07.2014 registered under Sections 452, 323, 34 IPC at Police Station city Moga.

Learned counsel for the petitioners points out that FIR No. 157 dated 17.07.2014 was registered at the instance of mother of petitioner No. 1 against the parents of the complainant. Father of petitioner No. 2 is a witness in the abovesaid case.”

Learned counsel for the petitioners submits that both the petitioners have joined investigation. They undertake to face the proceedings

and not abuse the concession of anticipatory bail, if confirmed. It is thus prayed that this petition be allowed.

Learned counsel for the State, on instructions from HC Thana Singh, verifies that the petitioners have joined investigation and their custodial interrogation, it is submitted is not required. The petitioners are not reported to be involved in any other criminal case.

There are no allegations on behalf of the State that the petitioners are likely to abscond or that they likely to dissuade the witnesses from deposing true facts in the Court, if released on anticipatory 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, order dated 30.01.2018, is made absolute.

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.

19.03.2018

s.khan

[LISA GILL]
Judge

Whether speaking/reasoned : Yes/No.
Whether reportable : Yes/No.