

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

218

Criminal Misc. No.M-37702-2017

Date of Decision: April 03, 2018.

Gurwinder Singh @ Binda

..... PETITIONER

Versus

State of Punjab

..... RESPONDENT

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Vipin Mahajan, Advocate
for the petitioner.

Mr. Anmol Singh Sandhu, AAG, 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. 139 dated 09.08.2017 under Sections 376, 342, 506 IPC registered at Police Station Dina Nagar, District Gurdaspur, Punjab.

The following was noted by this Court, while granting interim relief on 05.02.2018:-

'It is submitted that the petitioner has been falsely implicated in this case. In fact, the petitioner and the prosecutrix, both students, developed friendly relations. The complainant accompanied the petitioner on her own. The present FIR was lodged due to ulterior motives. It is submitted that the complainant's father had earlier lodged a complaint regarding elopement of the complainant with someone else. The matter

was compromised on 25.07.2014. Reference was made to Annexures P-4 and P-5.

This case was adjourned to enable learned counsel for the State to verify the said documents attached as Annexures P-4 and P-5. Learned counsel for the State, on instructions from ASI Lakhwinder Singh, verifies the genuineness of the said documents.'

It is submitted that the petitioner has joined investigation and he undertakes to face the proceedings 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 submits that specific allegations have been raised by the complainant against the petitioner. However, on instructions, from ASI-Hansa Singh, it is again confirmed that the documents attached as Annexure P-4 and P-5 have been duly verified. He further confirms that photographs attached as Annexure P-2 with this petition are of the petitioner and the complainant. The petitioner, who is 21 years old, is not reported to be involved in any other criminal case.

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, order dated 05.02.2018 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.

April 03, 2018
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(LISA GILL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No