

Criminal Misc. No. M- 459 of 2018 (O&M)

Date of decision : February 20, 2018

Surjit Singh

.....Petitioner

Versus

State of Punjab

....Respondent

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Bhavesh Aggarwal, Advocate for
Mr. Ashish Aggarwal, Advocate
for the petitioner.

Mr. Sukhleen Singh, AAG, Punjab

LISA GILL, J.

Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No.34 dated 17.04.2017 under Sections 376, 506 IPC registered at Police Station Valtaha, District Tarn Taran.

Contentions on behalf of the petitioner, while issuing notice of motion, read as under:-

“ It is contended that the petitioner was not named in FIR No. 34 dated 17.04.2017. It is in her subsequent statement under Section 164 Cr.P.C that the complainant has named the present petitioner. Moreover, the complainant subsequently filed CRM-M-19496 of 2017 against her own husband and other family members taking the stand that she was pressurized for registering the above said FIR against the petitioner as well as other co-accused i.e. Dalbir Singh and Kulbeer Singh. The said two co-accused duly named in FIR have been afforded the concession of bail by this Court vide order dated 08.11.2017 (Annexure P-1).”

It is submitted that the petitioner has joined investigation. He undertakes 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 ASI Lakhwinder Singh, verifies that the petitioner has joined investigation. He is not reported to be involved in any other criminal case. It is not denied that the petitioner was not named in the FIR but in the statement under Section 164 Cr.P.C. recorded by the complainant. Learned counsel for the State is unable to deny that even as per the said statement, role of the present petitioner is similar to that of Kulbeer Singh, who has been afforded the concession of bail by this Court. It is verified that the complainant suffered a statement before the police authorities to the effect that she was pressurised into making a statement against the petitioner at the instance of her husband and his family.

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 in the Court, if released on bail.

Keeping in view the facts and circumstances noted above but without expressing any opinion on the merits of case, it is considered just and expedient to allow this petition. Consequently, order dated 10.01.2018 is made absolute.

(Lisa Gill)
Judge

February 20, 2018
rts

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