

CRM-M-46188-2018

Date of Decision : 29.11.2018

Abhey Jain and others

.....Petitioners

versus

State of Punjab

....Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH**Present:** Mr. Naresh Jain, Advocate
for the petitioners.Mr. Dhruv Dayal, Sr. DAG, Punjab
for the respondent-State.**FATEH DEEP SINGH, J. (ORAL)**

The allegations against the petitioners namely, Abhey Jain, Reema Jain and Aparum Jain are that they happened to be the father, mother and elder brother of principal accused-Akshat Jain. The complainant in her statement has alleged that she is aged around 29 years and her divorce proceedings with the husband were pending in a Court of law and during the same, she came in contact with principal accused-Akshat Jain and thereafter, both of them had physical intimacy and when principal accused-Akshat Jain backed out of his commitment to marry the complainant, the present case got lodged.

Learned counsel for the petitioners has argued that the

petitioners happens to be the family of principal accused-Akshat Jain and have no specific role attributed to them in the commission of offence and since, the complainant and principal accused-Akshat Jain are grown up persons and were in a relationship, the petitioners cannot be put to any fault and that nothing is to be recovered from them.

Though, on behalf of the State, Mr. Dhruv Dayal, Sr. DAG, Punjab assisted by ASI Gagandeep Kaur, Police Station Phase-11, SAS Nagar Mohali has sought to oppose the grant of bail on the ground of heinousness of the offences and seriousness of the allegations, and therefore, if allowed bail, they might influence the witnesses.

Appreciating the submissions of the two sides, it is the own stand of the complainant that she is a grown up married lady whose matrimonial proceedings were underway when she came in contact with principal accused-Akshat Jain. It is own sweet will of the couple to have come into this physical intimacy and as is admitted by the learned State counsel to the specific query of the Court that there is no specific allegation attributed to the petitioners and rather, smells of vengeance by the complainant for a motivated cause. Since, nothing is to be recovered, no useful purpose would be served by sending the petitioners behind the bars. In the event of arrest, the petitioners shall be released on interim bail to the satisfaction of arresting/investigating officer till submission of report under section 173 Cr.P.C. (challan). The petitioners shall, however, join the investigation as and when called for and shall also abide by the

conditions specified under section 438 (2) Cr.P.C. Thereafter, petitioners will be permitted to furnish regular bail bonds to the satisfaction of the trial Court.

29.11.2018
Neha

(FATEH DEEP SINGH)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No