

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

Criminal Misc. No.M- 49282 of 2017(O&M)

Date of Decision: January 17 , 2018.

Narinder Nagpal and another PETITIONER (s)

Versus

State of Punjab RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Vikas Kumar, Advocate
for the petitioners.

Ms. Seena Mand, DAG, Punjab.

Ms. Seema Arora, Advocate for
Mr. C.M.Munjal, Advocate
for the complainant.

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 petitioners in FIR No.110 dated 08.12.2017 under Sections 452/354/506/323/34 IPC, registered at Police Station Sadar Abohar, District Fazilka.

Contentions on behalf of the petitioners recorded by this Court while issuing notice of motion on 21.12.2017, read as under:-

“It is submitted that the petitioners are sought to be implicated in this case due to a business rivalry as petitioner No.1 is

running a brick-kiln at village Bahadur Khera. The FIR in question, it is stated, is registered at the instance of the owner of the adjoining brick-kiln. DDR dated 24.10.2017 was registered at the instance of the brother of the present complainant. No allegations inviting the rigours of Section 354 IPC were raised in the FIR. The complainant sought to raise such allegations in her supplementary statement. The petitioners, it is submitted, are not involved in any other criminal proceedings.”

Learned counsel for the petitioners submits that an inquiry is being conducted into this matter by the Deputy Superintendent of Police (Head Quarters), Fazilka. Both the said petitioners have joined the said inquiry. They undertake to face the proceedings and not misuse the concession of anticipatory bail, if afforded to them. Therefore, it is prayed that this petition be allowed.

Learned counsel for the State, on instructions from ASI Sahib Singh, verifies that the matter is being look into by the Deputy Superintendent of Police (Head Quarters), Fazilka. The petitioners, it is verified, are not 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 are 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. In the event of the arrest of the petitioners, they shall be released on bail to the satisfaction of the Arresting/Investigating Officer. Petitioners shall comply with the conditions stipulated in Section 438(2) Cr.P.C.

It is made clear that the petitioners shall not directly or indirectly try

to contact the complainant, the victim or any of her family members or witnesses in this case. Any such infraction on the part of the petitioners may entail cancellation of their bail.

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.

January 17 , 2018.
'om'

(**LISA GILL**)
JUDGE

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