

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

**CRM-M-50277-2018 (O&M)
Date of Decision:- 27.11.2018**

Raj Kumar and others

... Petitioners

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. A.S.Khosa, Advocate, for the petitioners.

Ms. Ruchika Sabbherwal, AAG, Punjab.

GURVINDER SINGH GILL, J. (Oral)

The petitioners seek grant of anticipatory bail in respect of a case registered against them vide FIR No.59, dated 9.6.2017, under Sections 306/34 IPC, Police Station City 2 Abohar, District Fazilka.

The matter pertains to suicide, allegedly committed by Sampat Rai regarding which FIR was lodged by his widow Neetu wherein it has been alleged that her daughter Mamta, aged 16 years had been abducted by Kuldeep Kumar, aged 23 years, in connivance with his father Raj Kumar, his mother Pooli Devi and his brother Gagan about one and a half month back and her daughter Mamta had got married to Kuldeep Kumar in Court, due to

which her husband Sampat Rai remained under depression as he felt insulted in society. Complainant has alleged that although they had requested Kuldeep Kumar and his parents several times to send back Mamta but to no avail and due to which her husband used to say that it was better for him to end his life rather to bear the insult in the society.

Learned counsel for the petitioner has submitted that a false case has been lodged against the petitioner mainly on account of the fact that Mamta had married against the wishes of her parents. It has further been submitted that in fact the police, after investigation had initially found the petitioners to be innocent and had presented challan only against Kuldeep Singh and it was subsequently that a supplementary challan came to be filed against the petitioners.

On the other hand, learned State counsel has submitted that since the petitioners are specifically named in the FIR wherein specific allegations have been levelled, no case for grant of anticipatory bail is made out.

Having heard the learned counsel for the petitioners and also the learned State counsel and bearing in mind the nature of allegations which apparently appear to stem out of the fact that Mamta had married against the wishes of her parents and also that a supplementary challan has already been filed and the petitioners would no longer be required for any kind of investigation, in my opinion, it is a fit case for grant of anticipatory bail. The petition, as such, is accepted and the petitioners are directed to appear before the learned trial Court within one week from today. The trial Court

shall release them on bail subject to their furnishing bail bonds and surety bonds to its satisfaction.

It is however made clear that none of the observations made above shall be taken to be an expression on merits of the main case.

The petition is accepted, accordingly.

November 27, 2018
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(Gurvinder Singh Gill)
Judge

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