

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

Criminal Misc. No.M- 5708 of 2018(O&M)

Date of Decision: May 17 , 2018.

Gurmail Singh PETITIONER (s)

Versus

State of Punjab RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Amritpal Singh Gill, Advocate
for the petitioner.

Mr. D.S.Sukarchakia, DAG, 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.94 dated 06.07.2016 under Sections 363/366A/380/457/120B (challan/final report under Section 173 Cr.P.C. was presented under Sections 363/366/376D/120B IPC and Section 6 of the Protection of Children from Sexual Offences Act, 2012), registered at Police Station Amloh, District Fatehgarh Sahib.

It is submitted that the petitioner was found innocent during investigation and has been summoned by the learned trial court to face trial as an additional accused on an application under Section 319 Cr.P.C. The petitioner, it

is submitted, was not even named in the FIR. No specific allegation has been raised against him except handing over a sum of ₹20-25,000/-. It is contended that the victim in this case had solemnized marriage with the petitioner's son. They filed a petition for protection of their life and liberty before the learned District & Sessions Judge, Ludhiana, which was decided on 08.07.2016 (Annexure P7). The petitioner, it is stated, has appeared before the learned trial court on 17.02.2018 pursuant to interim order passed by this Court. The petitioner undertakes to face the proceedings, appear on each and every date fixed before the learned trial court and not misuse the concession of anticipatory bail, if confirmed. Therefore, it is prayed that this petition be allowed.

Certified copy of order dated 17.02.2018 passed by the learned Additional Sessions Judge, Fatehgarh Sahib, furnished in Court today, is taken on record subject to just exceptions.

Learned counsel for the State, on instructions from SI Kulwant Singh, verifies that the petitioner was found innocent during investigation and has been summoned to face trial as an additional accused on an application under Section 319 Cr.P.C. It is further affirmed that the petitioner has appeared before the learned trial court.

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, interim bail afforded to the petitioner vide

order dated 17.02.2018 be made absolute subject to the petitioner furnishing fresh bail bonds and surety to the satisfaction of the learned trial court.

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.

May 17 , 2018.
'om'

(LISA GILL)
JUDGE

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