

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-12872 of 2019

Date of Decision: 09.07.2019

Vijay Kumar & another

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. G.S. Toor, Advocate
for the petitioners.

Mr. Harpreet Singh Multani, AAG, Punjab.

HARI PAL VERMA, J. (Oral)

Prayer in the present petition filed under Section 438 of the Code of Criminal Procedure, 1973 is for grant of anticipatory bail to the petitioners in case FIR No.76 dated 16.05.2016 under Sections 376/306/506 IPC registered at Police Station Civil Lines, Bathinda, District Bathinda.

The aforesaid FIR was registered on the statement of Asha Rani wife of Vijay Kumar Soni. As per the FIR, the daughter of the complainant namely Priya was married, but due to matrimonial discord, she got divorce about eight months back. About 5-6 months back, the daughter of the complainant had gone to Yoni Co. to purchase a new mobile in Hathian Wali street, where Amandeep son of the petitioners was employed.

He introduced himself to the daughter of the complainant and on the false pretext of marriage, he developed physical relations with her, but after some time, he started scuttling the marriage issue and threatened her not to disclose about their affair to anyone, otherwise she would be defamed. They started humiliating the complainant and her daughter in front of their locality and relatives. Due to the defamation so suffered, the daughter of the complainant got terrified and consumed some poisonous substance and became unconscious. She was admitted in Adesh Hospital.

Learned counsel for the petitioners has submitted that the petitioners are parents of Amandeep, against whom there are allegations of having affair with the deceased on the pretext of marrying her. It is argued that the petitioners have not caused any humiliation to the deceased or the complainant and it is for this reason, they have been found innocent during investigation. It is on the basis of application filed by the public prosecutor under Section 319 CrPC, the petitioners have been summoned to face trial, as additional accused. He has submitted that the allegations against the petitioners are false and they have no role to play in the case.

Learned State counsel, on instructions from SI Manjeet Kaur, does not dispute the fact that the petitioners have been found innocent during investigation. However, he has submitted that it is on the basis of statement of the complainant, the petitioners have rightly been summoned under Section 319 CrPC to face trial, as additional accused.

I have heard learned counsel for the parties.

In the initial version, the petitioners have been found innocent by the police, however, it is on the basis of statement of the complainant,

the petitioners have been summoned. In fact, the main allegations are against Amandeep, with whom the daughter of the complainant allegedly developed physical relations on the pretext of marrying her.

Accordingly, the present petition is disposed of with a direction that in case the petitioners appear before the trial Court within 15 days from today to face trial in accordance with law, they shall be admitted on bail, subject to furnishing of adequate bail bonds/surety bonds to the satisfaction of the trial Court.

However, it is made clear that observations made hereinabove shall not construe any expression on the merits of the case.

July 09, 2019
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?
Whether reportable?

Yes / No
Yes / No