

CRM-M-38802-2019

Date of Decision : 11.12.2019

Dial Singh and another

.....Petitioners

versus

State of Punjab

....Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH**Present:** Mr. M.S. Basra, Advocate
for the petitioners.Ms. Sakshi Bakshi, Asstt.A.G., Punjab
for the respondent-State.**FATEH DEEP SINGH, J. (ORAL)**

The present anticipatory bail application under Section 438 Cr.P.C., in a case bearing FIR No.122 dated 06.11.2018 under Sections 376, 420 and 120-B of the Indian Penal Code registered at Police Station Sadar Gurdaspur, has come about by accused/petitioners-Dial Singh and Kulwinder Kaur @ Palwinder Kaur, distant relative of the principal accused-Harjit Singh @ Bablu.

The complainant had alleged that she was in a relationship with principal accused-Harjit Singh @ Bablu, on account

of which, the accused used to defile her. It is further, on 25.08.2018, on intervention of the families, their engagement ceremony was solemnized and the marriage was fixed for 08.09.2018. The complainant alleges that thereafter, the accused-Harjit Singh @ Bablu fled abroad leading to the registration of the present case.

Learned counsel for the petitioners *inter alia* contends that the petitioners happens to be a distant relative and there is no specific role attributed to them in the commission of offence and are not even remotely connected to the same and have been summoned as additional accused.

The learned State counsel, on instructions from ASI Gurdev Singh, Police Station Sadar Gurdaspur, District Gurdaspur, fairly concedes that there is no allegation against the petitioners in the present case and are only distant relations.

Going through the submissions, as is put up before this Court and fairly conceded, even by the State, the petitioners happens to be a distant relative and the allegations contained in the FIR and statement under Section 164 Cr.P.C., do not spell any allegation against the petitioners. Having being summoned as additional accused, it is a fit case for bail.

In light of the same and the offences, for which, the petitioners have been hauled up, nothing remains to be recovered from them and it would be travesty of justice by sending the petitioners behind the bars.

In view of the aforesaid, the present petition is allowed. Petitioners would appear before the learned Trial Court within 15 days from today. In the event of arrest, the petitioners shall be released on bail to the satisfaction of the learned Trial Court till trial is concluded. The petitioners shall, however, appear as and when called for and shall also abide by the conditions specified under Section 438 (2) Cr.P.C.

11.12.2019*Neha***(FATEH DEEP SINGH)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No