

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

CRM-M-15485 of 2020 (O&M)
Date of Decision:29.07.2020

Shamsher Malik and another

..... Petitioners

Versus

State of Haryana

..... Respondent

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Salil Bali, Advocate
for the petitioners.

Mr. Anmol Malik, DAG., Haryana.

LISA GILL, J(Oral).

This matter is being taken up for hearing through video conferencing due to outbreak of the pandemic, COVID-19.

Petitioners seek the concession of anticipatory bail in FIR No.0296 dated 22.05.2020, under Sections 147, 148, 149, 323, 324, 427, 452, 506 IPC, registered at Police Station Hansi City, District Hisar.

Contentions on behalf of learned counsel for the petitioner as noted while issuing notice of motion on 17.06.2020, are reproduced as hereunder:-

“It is inter alia submitted that it is in-fact the petitioners, who are the victims in this case. Petitioner no.2, is stated to have been molested at the hands of Ishwar Singh, father of the complainant. While referring to the MLR of petitioner no.2 and the representation made by her, attached as Annexure P-3 with this petition, learned counsel for the petitioner submits that no action has been taken by the police, whereas the present petitioners, are being proceeded against in an illegal manner. Petitioner no.1, it is submitted does not keep good health. He has undergone a kidney transplant and is still under treatment.”

The petitioners, it is submitted have joined investigation and they undertake to fully cooperate with the investigating agency and not abuse the concession of anticipatory bail, if afforded to them. It is thus prayed that this petition be allowed.

Learned counsel for the State, on instructions from SI Jagbir Singh, verifies that the petitioners have joined investigation and their custodial interrogation is not required.

There are no allegations on behalf of the State that the petitioners are likely to abscond or they are likely to dissuade the witnesses from deposing true facts before the learned trial Court, if granted the concession of anticipatory 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, order dated 17.06.2020, is made absolute.

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.

29.07.2020
s.khan

[LISA GILL]
Judge

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