

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

**CRM-M-37876-2019
Decided on : 29.01.2020**

Pardeep and another

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

PRESENT: Mr. S.K. Rana, Advocate
for the petitioner(s).

Ms. Devaki Anand Sullar, Asstt. AG, Punjab with
SI Sudarshana.

Mr. Anil Kumar Malik, Advocate
for the complainant.

MANJARI NEHRU KAUL, J. (Oral)

The present petition has been filed under Section 438 Cr.P.C., for grant of anticipatory bail to the petitioners, in case FIR No. 140, dated 12.11.2018, under Sections 323, 376, 458 IPC, registered at Women Police Station, Panipat.

It has been *inter alia* contended that the petitioners were found innocent during investigation and placed under column No.2 and subsequently, summoned only under Section 319 Cr.P.C. It has been further contended that in the statement recorded under Section 164 Cr.P.C. on the date of occurrence itself, the complainant had levelled allegations only against co-accused Anil of raping her and there was no allegation, much less, any whisper against the present petitioners. Not only this, even at the time of her Medico Legal Examination, which was conducted on the date of occurrence itself, she had stated that her person had been violated by the co-accused Anil.

Learned State counsel has not controverted the submissions made by learned counsel for the petitioners.

Learned counsel for the complainant submitted that even though in her statements under Sections 164 Cr.P.C., she has not levelled any allegations against the present petitioners, however, the fact remains that there were serious allegations against the petitioners of conniving with the co-accused Anil, for which, they do not deserve the concession of anticipatory bail.

Heard.

Admittedly, the petitioners were placed in column No. 2 and were summoned only under Section 319 Cr.P.C. by the trial Court. Therefore, in the facts and circumstances of the case and without going into the merits of the case, the instant petition is allowed and the petitioners are directed to appear before the trial Court/Duty Magistrate on or before the next date fixed before the trial Court. On doing so, they shall be admitted to bail on their furnishing of adequate bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

Petition stands disposed of accordingly.

(MANJARI NEHRU KAUL)
JUDGE

January 29, 2020

J.Ram

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*