

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-27147-2021

Date of Decision: 08.11.2021

Amardeep SinghPetitioner

Versus

State of Punjab and another Respondents

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

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(through video conferencing)

Present: Mr. L.S.Sidhu, Advocate
for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab.

Mr. Bharat Bhushan, Advocate
for the complainant/respondent No.2.

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MANJARI NEHRU KAUL, J. (Oral)

Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No.163 dated 17.06.2021 under Section 377 IPC registered at Police Station City Muktsar, District Shri Muktsar Sahib.

Learned counsel for the petitioner states that in compliance of order dated 15.07.2021 the petitioner has since joined investigation. It is submitted that it was on account of a matrimonial dispute between the parties that the FIR in question came into existence wherein false allegations had been levelled not only against the petitioner but also against his other family members which, however, were found to be false during investigation. It was also the case of the petitioner that the allegations levelled in the FIR in question to attract the mischief of Section

Therefore, the present petition be allowed.

Learned counsel for the complainant has opposed the prayer made by the counsel for the petitioner. He has submitted that the allegations attracting the mischief of Section 377 IPC are clearly made out from the MLR which has been annexed with the petition as Annexure P2.

Learned counsel for the petitioner has, however, reiterated his submission by inviting the attention of this court to the said MLR by urging that had it been a case of commission of an offence under Section 377 IPC, there would have been at least some injury, internal or external reflected, which is clearly not reflected in the MLR.

Learned counsel for the State, on instructions from ASI Harnek Singh, does not dispute the factum of the petitioner having joined investigation pursuant to interim orders passed by this Cour. He further submits on instructions that his custodial interrogation is not required. No recovery is to be effected from him.

In the circumstances, the instant petition is allowed and order dated 15.07.2021 is made absolute.

08.11.2021
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(MANJARI NEHRU KAUL)
JUDGE

Note: Whether speaking/reasoned
Whether Reportable:

Yes / No
Yes / No