

**102+124 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Date of Decision: 19.02.2021

1. CRM-M-31283-2020 (O&M)

MANISH KUMAR @ LUCKY AND ANOTHER

.....Petitioners

Vs

UNION TERRITORY OF CHANDIGARH

.....Respondent

2. CRM-M-7544-2021 (O&M)

MANISH KUMAR @ LUCKY AND ANOTHER

.....Petitioners

Vs

UNION TERRITORY OF CHANDIGARH

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Bipan Ghai, Sr. Advocate with
Mr. Paras Talwar, Advocate
for the petitioner.

Mr. Ashu Mohan Punchhi, APP with
Mr. Anupam Bansal, Advocate
for UT Chandigarh.

Mr. Munish Raj, Advocate
for the complainant.

RAJ MOHAN SINGH, J.(Oral)

The cases have been taken up for hearing through video-conferencing.

Vide this common order, CRM-M No.31283 of 2020 titled Manish Kumar @ Lucky and another Vs. Union Territory of Chandigarh and CRM-M No.7544 of 2021 titled Manish Kumar @ Lucky and another Vs. Union Territory of Chandigarh are being disposed of.

CRM-M-31283 of 2020 relates to the prayer for anticipatory bail in case bearing FIR No.117 dated 06.07.2020 registered under Section 376-D of IPC at Police Station Industrial Area Chandigarh. The FIR has been registered at the instance of Sukhpal Kaur. Statement of the prosecutrix has also been recorded under Section 164 Cr.PC and she has reiterated the allegations. Petitioners have been declared as proclaimed persons vide order dated 09.11.2020. Petitioners namely Munish Kumar and Mandeep Kumar have assailed that order in CRM-M No.7544 of 2021.

It appears that the petitioners are instrumental in mobilising the complainant. During investigation they have obtained affidavit of the complainant on 19.08.2020. On the basis of said affidavit, the petitioners have ventured to file CRM-M No.25673 of 2020 for quashing of the aforesaid FIR on the basis of compromise. The said petition has already been dismissed as withdrawn vide order dated 02.09.2020 by the High Court.

Learned counsel for the petitioners relies upon order dated 14.03.2017 passed in CRM-M No.42655 of 2016 titled Ajit Singh Vs. Karam Singh and another to contend that during

currency of availing remedy of bail before the Court, the order declaring the petitioners as proclaimed persons, is not warranted.

Evidently no independent FIR under Section 174A IPC has been registered against the petitioners.

No ground is made out to grant any indulgence under Section 438 Cr.PC, however, petitioners would be at liberty to surrender before the concerned Court and apply for regular bail in accordance with law. In the event of surrendering and applying for regular bail before the trial Court, the trial Court shall decide the prayer strictly in accordance with law without being influenced by the rigour of order dated 09.11.2020 passed by Judicial Magistrate First Class, UT Chandigarh.

Both the petitions stand disposed of accordingly.

February 19, 2021

Amandeep

**(RAJ MOHAN SINGH)
JUDGE**

Whether speaking/reasoned Yes/No
Whether reportable Yes/No