

Buta Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURIPresent: Mr. Kulbhushan Raheja, Advocate
for the petitioner.

Mr. Mehardeep Singh Dulat, Addl. AG, Punjab.

Through Video Conferencing**JASGURPREET SINGH PURI, J.(ORAL)**

The preset petition has been filed under Section 438 of Cr.P.C. for grant of anticipatory bail to the petitioner in FIR No.26, dated 26.04.2019 under Sections 376 and 323 of IPC, 1860 registered at Police Station Arif Ke, District Ferozepur.

Learned counsel for the petitioner has submitted that it is a case where the petitioner has been falsely implicated in the FIR. He submitted that the petitioner is the husband of the victim and even as per perusal of the FIR, there was no role attributed to the petitioner. He submitted that even a perusal of the FIR would show that the petitioner was not even present when the alleged occurrence took place and that he came afterwards and at the most, the allegations are that the petitioner had beaten up the complainant. He has further submitted that the allegations which are contained in the FIR were that mother-in-law of the complainant has casted a doubt upon the character of the complainant, brother-in-law who had allegedly committed the act of rape and the petitioner was not even present at the spot and came afterwards. Furthermore, even as per the MLR

(Annexure P-2), the nature of injury was simple and place of injury has been mentioned on the right eye. Learned counsel further referred to Annexure P-3 affidavit suffered by the complainant herself in which it is stated that she herself got FIR registered out of an anger because dispute arose between the petitioner and the brother-in-law and with the interference of Panchayat members and relatives, the matter has been compromised and now there is no dispute between them.

On 19.11.2020, notice of motion was issued in this case in which the State was directed to verify the authenticity of the aforesaid affidavits Annexure P-3 (which was suffered by the complainant Jito Bai) and Annexure P-4 (which was suffered by Manjit Kaur, who is sister of the complainant).

Today, Mr. Mehardeep Singh Dulat, Addl. AG, Punjab on instructions from ASI Narinder Singh has submitted that they have checked the authenticity of the aforesaid affidavits and the same are genuine. He further submitted that the complainant herself stated in the affidavit that the FIR was lodged out of an anger only. He further submitted on instructions that after passing of the interim order by this Court, the petitioner has joined the investigation process and that he is not required for any custodial investigation.

In view of the totality of the circumstances of the present case and in view of the stand taken by the learned State counsel in this regard, the present petition is allowed. The order dated 19.11.2020 by which interim bail was granted to the petitioner, is hereby made absolute.

(JASGURPREET SINGH PURI)
JUDGE

January 04, 2021
Manpreet

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