

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

203

(Through Video Conferencing)

CRM-M-43529-2020

Date of decision: 08.02.2022

Om Parkash and another

.....Petitioners

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Baljinder Singh, Advocate for
Mr. Harjot Singh Mann, Advocate
for the petitioners.

Mr. Luvinder Sofat, AAG, Punjab
for the respondent-State.

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.124 dated 09.11.2020 under Sections 493, 376 and 506 IPC, registered at Police Station City Nakodar, District Jalandhar.

Status report by way of affidavit of Lakhwinder Singh Mal, PPS, Deputy Superintendent of Police, Sub Division Nakodar, District Jalandhar (Rural) has been filed which is taken on record, subject to all just exceptions.

While inviting the attention of this Court to the allegations levelled in the FIR in question, learned counsel for the petitioners submits that a perusal of the same clearly reveals that no role has been attributed to the petitioners of having committed any offence under Section 376 IPC. It has been further submitted that since co-accused

Rajinder Sondhi with whom the prosecutrix, aged 26 years, had been in a consensual relationship is the son of the petitioners, a false and fabricated case has been planted upon them. Learned counsel further submits that in compliance of order dated 23.12.2020, the petitioners have joined investigation and cooperated with the investigating agency.

Learned State counsel, on instructions from ASI Balwinder Singh, does not dispute the factum of the petitioners having joined investigation and cooperated during their investigation and hence not required for further investigation much less for their custodial interrogation.

In view of the above, the petition is allowed and interim order dated 23.12.2020, is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C.

08.02.2022

(MANJARI NEHRU KAUL)

Vinay

JUDGE

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