

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Sr. No.: 102

Criminal Miscellaneous No.M-13113 of 2023

Date of Decision: March 16, 2023

Dharamjeet & another

..... PETITIONER(S)

VERSUS

State of Punjab

..... RESPONDENT(S)

. . .

CORAM: **HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA**

. . .

PRESENT: - Mr. Kamal Narula, Advocate, for the petitioners.

Mr. Jashandeep Singh, Assistant Advocate General,
Punjab.

. . .

Tribhuvan Dahiya, J (Oral)

This is a petition *inter alia* seeking directions to the trial Court to release the petitioners on anticipatory bail in the event of their arrest in case FIR No.73 dated 13.07.2022, registered under Sections 457, 363, 366-A, 376-D read with Section 511 IPC and Section 6 of Protection of Children from Sexual Offences Act, 2012, at Police Station Arniwala, District Fazilka (Section 357 IPC has been wrongly mentioned in the order dated 02.03.2023 passed by Sessions Court instead of Section 457 IPC).

Learned counsel for the petitioners contends that as per allegations in the FIR, the petitioners only accompanied the main accused, who raped the complainant. After investigation, allegations against them were found false, and they were placed in column No.2. During trial the complainant repeated the same allegations in her testimony as PW-2, leading

to the trial Court summoning the petitioners as additional accused under Section 319 Cr.PC, vide order dated 06.02.2023 (Annexure P-4). The ingredients of alleged offences are not made out against the petitioners and there is no material/ evidence on record to summon them as additional accused either.

Notice of motion.

Mr. Jashandeep Singh, Assistant Advocate General, Punjab, accepts notice on behalf of the respondent-State.

Learned State counsel, on instructions from Pawan Kumar, Investigating Officer, does not dispute the facts aforestated. It is also submitted that at this stage, petitioners' custody is not required.

In view thereof, the petitioners are directed to appear before the trial Court on the date fixed, i.e., 17.03.2023, upon which, they shall be admitted to bail on furnishing of bail bonds and surety bonds to the satisfaction of the trial Court.

Disposed of.

A copy of the order be given under signatures of the Bench Secretary.

(Tribhuvan Dahiya)
Judge

March 16, 2023
avin

Whether Speaking/ Reasoned:
Whether Reportable:

Yes/ No
Yes/ No