

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM No.M-12649 of 2015

Date of Decision: September 07, 2015

Surinder Singh

...Petitioner

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Siddharth Gupta, Advocate
for the petitioner.

Ms.Simsi Dhir Malhotra, Deputy Advocate General, Punjab
for the respondent-State.

Mr.Sumeet S. Brar, Advocate
for the complainant.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 438 Cr.P.C.
for grant of anticipatory bail in FIR No.47 dated 18.03.2015 under
Sections 354 (later on converted to Section 354-B IPC), registered at
Police Station Nehianwala, District Bathinda.

Notice of motion was issued and learned State counsel as
well as learned counsel for the complainant appeared and contested
the petition.

As per the prosecution version, the FIR has been got
registered on the statement of complainant, who stated that her
mother-in-law namely Santosh Kaur got divorced from her previous

husband Chhinder Singh and now she is residing with Surinder Singh present petitioner-accused and both of them are living as husband and wife. It is further stated that Surinder Singh is a police official. He used to stay at their house. On 06.02.2015 at about 6.30 A.M., when complainant's mother-in-law and husband Chamkaur Singh had gone to pay obeisance at Gurudwara, complainant went to serve a cup of tea to Surinder Singh and he assaulted her and tried to molest her and also tried to torn her clothes. When she raised noise, Santosh Kaur came at the spot and then accused ran away from the spot. Due to the family prestige, complainant kept mum and on 18.03.2015 she suffered the statement on the basis of which present FIR has been registered.

Learned counsel for the petitioner argued that a dispute is already going on between Santosh Kaur mother-in-law of the complainant and Surinder Singh present petitioner-accused regarding the property. Annexure P-4 order of learned Civil Judge regarding ex parte interim order granting stay in favour of Surinder Singh against Santosh Kaur is placed on the record. The copy of the plaint of civil suit filed by Surinder Singh against Santosh Kaur for possession of residential house is also placed on the record.

Learned counsel for the petitioner argued that the present case has been falsely planted upon the petitioner to put pressure in the civil proceedings.

I have heard learned counsel for the parties as well as learned State counsel and have gone through the record.

The petitioner has joined the investigation in compliance of the order dated 23.04.2015. He is not required for custodial interrogation. Nothing is to be recovered from him

Keeping in view the facts and circumstances of the case and without discussing the merits of the case in minute details and without expressing any opinion on the merits of the case, I find it a fit case where petitioner is entitled to benefit of grant of anticipatory bail. Therefore, the present petition is accepted and the order dated 23.04.2015 granting interim bail to the petitioner is made absolute.

September 07, 2015
Vgulati

(INDERJIT SINGH)
JUDGE