

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

(203)

CRM-M-29957-2015

Decided on: December 08, 2015.

Basha Singh @ Jagmeet Singh

.... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. Amit Sharma, Advocate, for the petitioner.

Ms. Harpreet Kaur Athwal, DAG, Punjab.

Mr. Neeraj Madaan, Advocate, for the complainant.

M.M.S. BEDI, J (ORAL)

Petitioner seeks concession of pre-arrest bail in a case registered at the instance of Soma Bai alleging that the petitioner had used criminal force on the complainant with an intention to outrage her modesty and committed obscene acts with her twice. At first instance, the matter was compromised and at second instance, the matter was again compromised and the parties agreed not to disclose the facts.

Learned counsel for the petitioner has contended that the FIR is a counter blast to a complaint filed by the grandfather of the petitioner against the complainant and her family for abusing and assaulting. Copy of the complaint has been placed on record. Vide complaint dated 08.08.2015, National Commission for Scheduled Castes issued directions to the police of Sri Muktsar Sahib for considering application of Dalip Kumar grandfather of the petitioner.

Learned counsel for the complainant has intervened to state that the petitioner, during pendency of the present case, had again tried to obstruct the complainant while she was going on her scooter. He had allegedly threatened her and thrown her on the ground. The petitioner was arrested in the case which was registered at Police Station Malot Sadar on 17.08.2015. During pendency of this petition, he has been granted concession of regular bail after his arrest.

Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in this case by the complainant side by lodging a false complaint under Section 3 of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

The machinery of criminal prosecution is being used by both the parties to level allegations against each other, alternatively. The petitioner during pendency of this case had been involved in another case under Section 354 IPC by the same complainant.

It will certainly be a debatable issue whether the second case is a step to prejudice the rights of the petitioner in the present case or it is the petitioner who is adamant to repeat the offence of outraging the modesty of the female, time and again. Present case does not appear to be a case of custodial interrogation. No doubt the allegations are of apparent immorality. Petitioner has joined investigation.

In view of said circumstances, the petition is allowed. It is ordered that in case of arrest of petitioner, he will be released on bail to the satisfaction of the arresting officer subject to the following conditions:

- (1) Petitioner will not commit similar offence of which he is accused of during pendency of the trial;

- (2) Petitioner will not overawe or threaten the complainant and other witnesses in any manner;
- (3) Petitioner will join investigation as and when required; and
- (4) Petitioner will not tamper with the evidence or hamper the investigation in any manner.

(M.M.S. BEDI)
JUDGE

December 08, 2015
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