

In the High Court of Punjab and Haryana at Chandigarh

.....

Criminal Misc. No.M-33490 of 2015

.....

Date of decision:3.11.2015

Manpreet Singh alias Bhola

.....Petitioner

v.

State of Punjab

.....Respondent

....

Present: Mr. Ramneek Vasudeva, Advocate for the petitioner.

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

Mr. Kuldeep Singh Chaudhary, Advocate for the complainant.

.....

Inderjit Singh, J.

The petitioner has filed this petition under Section 438 Cr.P.C.
for grant of anticipatory bail in case FIR No.135 dated 24.8.2015 registered
for the offences under Sections 452, 354, 323 and 506 IPC at Police Station
Kurali, District S.A.S. Nagar (Mohali).

Notice of motion has been issued in this case.

Ms. Simsi Dhir Malhotra, learned Deputy Advocate General,
Punjab has put in appearance on behalf of the respondent-State and Mr.
Kuldeep Singh Chaudhary, learned Advocate has appeared for the
complainant and contested this petition.

I have heard learned counsel for the petitioner, learned Deputy
Advocate General, Punjab appearing for the respondent-State and Mr.

Kuldip Singh Chaudhary, learned counsel for the complainant and have gone through the record.

As per the prosecution version, the present petitioner is stated to have entered the house of the complainant by jumping over the wall. The complainant is a married woman and having two children, one son is aged about 17 years and the other son, namely, Kulwinder Singh is aged about 14-15 years. There is allegation that he came with the bad intention in the house and kept his hand on the mouth of the complainant and he then ran away by jumping over the wall. It is also the allegation that the accused again came after 10-15 minutes with a stick in his hand and entered the house after jumping over the wall and gave blows of stick etc.

A perusal of the Police record shows that there is only one injury on the person of Kulwinder Singh. One injury has been shown regarding the complaint of pain on the person of injured Kulwinder Singh. There is no other MLR on the record.

Further more, the petitioner has already joined the investigation. The petitioner has taken the plea that husband of the complainant is already in custody in a rape case and the present petitioner being Panch has been falsely implicated in this case to put pressure so that compromise be got effected in that case. The petitioner is not required for custodial interrogation. Nothing is to be recovered from him. He is only to face the trial. No useful purpose will be served by sending the petitioner to custody.

Keeping in view the facts and circumstances of the present

[3]

case; without discussing the facts in minute detail and without expressing any opinion on the merits of the case, I find merit in this petition and the same is allowed. The interim order dated 30.9.2015 passed by this Court granting interim bail to the petitioner is made absolute. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions of Section 438 (2) Cr.P.C.

November 3, 2015.

(Inderjit Singh)
Judge

hsp