

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

Criminal Misc. No.M- 10144 of 2017(O&M)

Date of Decision: February 01 , 2018.

Gurmail Singh PETITIONER (s)

Versus

State of Punjab RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Tribhuvan Dahiya, Advocate
for the petitioner.

Ms. Seena Mand, DAG, Punjab.

Mrs. G.K.Mann, Advocate
for the applicant/complainant.

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

LISA GILL, J.

CRM No.20912 of 2017

Annexures C1 to C6 are taken on record subject to just exceptions.

Exemption from filing certified/true typed copies thereof is granted.

Misc. application is disposed of.

CRM No.M-10144 of 2017

Prayer in this petition is for grant of anticipatory bail to the
petitioner in FIR No.33 dated 10.03.2017 under Sections 353/354/186/323/506

IPC, registered at Police Station Maqsudan, Jalandhar.

It is submitted that the petitioner had filed CWP No.25538 of 2016 against the management where he is employed as a Laboratory Assistant. The said writ petition is pending before this Court after issuance of notice of motion. The petitioner, it is submitted, was being pressurized to withdraw the said writ petition. The complainant is the Head of the Department. Learned counsel for the petitioner refers to representation dated 09.02.2017 (Annexure P5) submitted by him to the Director, Dr. B.R.Ambedkar, NIT Jalandhar wherein, he has specifically alleged that the complainant in the present case was pressurizing him to withdraw the writ petition filed by him. It is further submitted that a departmental inquiry was also conducted against the petitioner in respect to certain other allegations, but he was found innocent therein. He has been reinstated in service. Moreover the petitioner, it is submitted, is being victimized in this case. Learned counsel for the petitioner further submits that as of now the petitioner is not working directly under the complainant and has been transferred to some other branch. Learned counsel for the petitioner submits that allegations of intimidation and threat to the complainant were found to be incorrect by the police authorities as per report dated 10.07.2017. The petitioner, it is submitted, undertakes not to indulge in any kind of intemperate behaviour or act. It is submitted that the petitioner has joined investigation and he undertakes to face the proceedings and not misuse the concession of anticipatory bail, if afforded to him. Therefore, it is prayed that this petition be allowed.

Learned counsel for the complainant while referring to complaints, Annexures C1, C3 and C5 submits that allegations against the petitioner have

been raised by other ladies as well, though it is not denied that the said matters were either compromised between the parties or it was found that the petitioner was guilty of indiscipline or insubordination, not of anything else.

Learned counsel for the State, on instructions from ASI Kulbir Singh, verifies that the petitioner has joined investigation and his custodial interrogation is not required. The petitioner, it is verified, is not involved in any other criminal case.

There are no allegations on behalf of the State that the petitioner is likely to abscond or that he is likely to dissuade the witnesses from deposing true facts before the Court, if released on bail.

Keeping in view the facts and circumstances as above but without commenting upon or expressing any opinion on the merits of the case, this petition is allowed. In the event of arrest of the petitioner, he shall be released on bail to the satisfaction of the Arresting/Investigating Officer. Petitioner shall comply with the conditions stipulated in Section 438(2) Cr.P.C.

It is clarified that none of the observations made hereinabove shall be construed to be a reflection on the merits of the case. The same are solely confined for the purpose of decision of the present petition.

Any infraction on the part of the petitioner in respect to the undertaking given before this Court regarding his behaviour/act etc., may entail cancellation of his bail.

February 01 , 2018.
'om'

(**LISA GILL**)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No