

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

206

Criminal Misc. No.M-15045-2018

Date of Decision: May 24, 2018.

HARJINDER SINGH @ LOVELY

..... PETITIONERS

Versus

STATE OF PUNJAB

..... RESPONDENT

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Tarunveer Vashist, Advocate for the petitioner.
Mr. D.S. Sukarchakia, DAG, Punjab.
Mr. Arshdeep Singh Brar, Advocate, for the 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.

Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No.370 dated 15.09.2017 under Section 354, 323, 452 IPC, registered at Police Station Sadar Jagraon, District Ludhiana.

It is submitted that the petitioner has been falsely implicated in this case. Contentions on behalf of the petitioner at the time of issuing notice of motion in this case on 11.04.2018 read as under:-

'Learned counsel for the petitioner states that apart from the fact that the FIR has been got registered after a delay of 20 days, there is already a dispute between the parties. Even the Panchayat has made a joint statement that on 26.08.2017, the dispute has taken place between the petitioner and the complainant regarding the installation of submersible water pump. The allegation under Section 354 IPC is nothing but a concocted story so as to involve the petitioner in a false case'.

It is submitted that the petitioner has since joined investigation and

he undertakes to face the proceedings and not misuse the concession of anticipatory bail, if afforded to him. It is, thus prayed that this petition be allowed.

Learned counsel for the complainant has opposed this petition while submitting that Sarpanch of the Gram Panchayat has not signed the document Annexure P1. However, it is submitted by learned counsel for the petitioner that the sarpanch of the village, namely, Kuldeep Singh Grewal stood surety for the petitioner.

Learned counsel for the State, on instructions from ASI-Hardeep Singh, verifies that the petitioner has joined investigation and is not involved in any other criminal case. It is further verified that Kuldeep Singh Grewal stood surety for the petitioner.

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. Consequently, order dated 11.04.2018 is made absolute.

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.

May 24, 2018
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(LISA GILL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No