

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-8561 of 2019

Date of Decision: 21.05.2019

Sewak Singh

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. H.S. Sandhu, Advocate
for the petitioner.

Mr. Jagmohan Ghumman, DAG, Punjab.

HARI PAL VERMA, J. (Oral)

Prayer in the present petition filed under Section 438 of the Code of Criminal Procedure, 1973 is for grant of anticipatory bail to the petitioner in case FIR No.121 dated 12.10.2018 under Sections 354-A, 354-B IPC registered at Police Station Tappa Mandi, District Barnala.

Learned counsel for the petitioner submits that the FIR in question was registered at the behest of Manjit Kaur, complainant, with the allegations that on 21.09.2018, the petitioner, who is friend of her husband, and her husband were sleeping in their house. At about 4-00 A.M., when the complainant was in sound sleep, the petitioner came to her room and started touching her body. When the complainant came to know about it, she opposed it and thereby, the FIR in question was lodged. However, the

complainant improved her version in her statement under Section 164 CrPC, wherein she has stated that the petitioner had removed her clothes and was lying with her on the cot and was indulging in immoral acts and thereafter, he continuously threatened the complainant and her husband that he will disclose the said fact in the public in order to defame them in the society.

Learned counsel for the petitioner has argued that in the initial version, the only allegation against the petitioner was under Section 354-A IPC. It is on the basis of statement of the complainant under Section 164 CrPC, the offence under Section 354-B IPC has been added. Thus, there is total improvement in the prosecution version. Even otherwise, the petitioner has joined the investigation and his custodial interrogation is no more required.

Learned State counsel does not dispute the fact that the petitioner has joined the investigation, however, he submits that the allegations against the petitioner are quite serious and therefore, he does not deserve to be admitted on bail.

Mr. Tejinder Pal Singh, Advocate has put in appearance on behalf of the complainant and filed his memo of appearance in Court, which is taken on record. He has supported the arguments raised on behalf of the State.

I have heard learned counsel for the parties.

Admittedly, the allegation against the petitioner that he has given any threat to the complainant has not been incorporated in the FIR and it is only in her statement under Section 164 CrPC, she has levelled

such allegations, which are yet to be established during trial. Considering the fact that the petitioner has joined investigation and his custodial interrogation is not required, the present petition is allowed and the interim order dated 05.03.2019 is made absolute.

However, the petitioner shall join the investigation as and when directed by the investigating agency and shall abide by the terms and conditions laid down under Section 438(2) Cr.P.C.

May 21, 2019
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No