

CRM-M-49329-2018

Date of Decision : 11.03.2019

Yudhveer Singh @ Jodhveer Singh

.....Petitioner

versus

State of Punjab

....Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH**Present:** Mr. Dilraj Singh, Advocate
for the petitioner.Mr. Saurav Khurana, DAG, Punjab
for the respondent-State.Mr. Surinder Garg, Advocate
for the complainant.**FATEH DEEP SINGH, J. (ORAL)**

The allegations against petitioner/accused-Yudhveer Singh @ Jodhveer Singh in this first anticipatory bail application under Section 438 Cr.P.C. filed in a case bearing FIR No.8 dated 11.01.2018 under Sections 451, 354-B and 379-B of the Indian Penal Code registered at Police Station Kotbhai, District Sri Muktsar Sahib, have been levelled by one, Manpreet Kaur-complainant. In her allegations, it is alleged that the accused/petitioner happens to be their *siri* (farm hand), with whom the family had a dispute over a sum of ₹50,000/- and it is alleged that on the

said day, the accused trespassed into their house and it is alleged that the accused had tried to outrage the modesty of the complainant and also snatched her gold chain leading to the registration of the present case.

Learned counsel for the petitioner *inter alia* contends that in fact, it was the petitioner who needs to recover his dues from the complainant family and as an arm twisting tactics, the present case has been falsely implanted upon the poor labourer and has placed reliance on the photographs (Annexure P-6-numbering 04) to show that the petitioner was physically beaten up by the complainant side and to support his contentions has further sought to seek support from MLR of the petitioner (Annexure P-7) submitting that nothing is to be recovered and that a false case has been brought about to undo the effect of having beaten the petitioner.

On the assistance of ASI Harnek Singh, Police Station Kotbhai, District Sri Muktsar Sahib and learned counsel for the complainant, the learned State counsel though has opposed the grant of bail but could not satisfactorily oppose and rebut what has been contended by learned counsel for the petitioner.

Appreciating the submissions, it is a sad observation by this Court that how there have been flagrant misuse of the process of law by the influential landlord family to beat up a poor and desolate farm hand and instead of settling his dues, have got him implicated in this case. The photographs and the MLR are suggestive of the same. Without feeling the necessity to further comment in the present case, it is a fit case for grant of bail to the petitioner. Since, nothing is to be recovered, no useful purpose

would be served by sending the petitioner behind the bars. In the event of arrest, the petitioner shall be released on interim bail to the satisfaction of arresting/investigating officer till submission of report under section 173 Cr.P.C. (challan). The petitioner shall, however, join the investigation as and when called for and shall also abide by the conditions specified under section 438 (2) Cr.P.C. Thereafter, petitioner will be permitted to furnish regular bail bonds to the satisfaction of the trial Court.

11.03.2019
Neha

(FATEH DEEP SINGH)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No