

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

CRM-M No.26698 of 2019
Date of decision: 8th July, 2019

Malkit Ram

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Sandeep Arora, Advocate for the petitioner.
Mr. H.S. Grewal, Addl. Advocate General, Punjab
for the respondent/State.

FATEH DEEP SINGH, J. (ORAL)

Allegations against the petitioner Malkit Ram in this first anticipatory bail application under Section 438 Cr.P.C. in case bearing FIR No.66 dated 18.08.2018 registered at Police Station Satnampura, Phagwara, District Kapurthala under Sections 323, 354, 354-A, 34 IPC, have been levelled by estranged wife of his elder brother. In her allegations, the complainant alleges that she was residing in Dubai and had come to India on 06.08.2018 regarding selling off her plot of land and that the petitioner Malkit Ram along with his brother Bikramjit non-applicant (the latter armed with a hockey) accosted the complainant and gave abuses to her father and gave him beatings and when the complainant intervened, it is alleged, that Malkit Ram gave a brick blow hitting on the head of the complainant and with the intention to outrage

her modesty, the petitioner is stated to have torn off the T-shirt worn by the complainant leading to registration of the present case.

Learned counsel for the petitioner Mr. Sandeep Arora, Advocate inter alia contends that all the injuries on the person of the complainant are simple in nature and that it was a pure matrimonial dispute as well as over joint property of the husband and the wife, in which the petitioner being brother of the husband of complainant has been falsely implicated and that nothing is to be recovered from him.

On behalf of the State, Mr. H.S. Grewal, Addl. Advocate General, Punjab on instructions from ASI Jaswinder Pal Singh has conceded at the bar the facts brought before this Court, but has sought to stoutly oppose the grant of bail on the grounds that the petitioner has been instrumental in outraging modesty of the complainant.

Going through the submissions, apparently there is matrimonial dispute between the complainant and her husband who happens to be brother of the petitioner, as well as there is a dispute over the plot of land which the complainant claims she had come to sell off. In the light of these peculiar circumstances and the fact that nothing is to be recovered from the petitioner, this Court is of the opinion that it is a fit case to allow bail. Accordingly, in the event of arrest, petitioner is ordered to be released on bail to the satisfaction of the Arresting Officer till submission of report under Section 173 Cr.P.C. (challan). He shall continue to join investigation and shall furnish an undertaking that he shall 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.

The petition stands disposed off accordingly.

(FATEH DEEP SINGH)
JUDGE

July 8, 2019
rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No