

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-27178-2019 (O&M)

Date of Decision: 19.08.2019

Pawan Kumar and others

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Ashok Kumar Khunger, Advocate, for the petitioners.
Mr. Ajay Pal Singh Gill, DAG, Punjab
Mr. Raman Mohinder Singh, Advocate, for the complainant.

Amol Rattan Singh, J. (Oral)

Pursuant to the order of this Court dated 24.07.2019, an affidavit of Sh. Sandeep Singh, PPS, Deputy Superintendent of Police (Rural), Abohar, District Fazilka, has been filed in Court today by the learned State counsel, annexing therewith the enquiry report submitted to the SSP, Fazilka, by the Superintendent of Police (Headquarters), Fazilka, on 07.06.2019.

A perusal of the concluding part of the report shows that as per the finding of the Superintendent of Police in the enquiry report, the first petitioner, Pawan Kumar, by scaling the gate of the house of the complainant entered the house and tried to outrage the modesty of the complainant (in the manner described in the report), with him also having been found to be the “master mind” behind the alleged conspiracy against the complainant and others. However, though a recommendation was made by the Superintendent of Police that even an offence punishable under

Section 354 of the IPC be added in the FIR, learned counsel for the petitioners submits that no such offence has actually been added and consequently the petitioner in any case cannot be denied bail on account of an offence that is not even a part of the FIR.

The whole incident is said to be arising out of the suicide stated to have been committed by one Gurtej Singh.

Upon query to the learned State counsel, he has produced in Court the medico legal report in respect of the 'injuries' stated to have been received by the 'complainant side', with it seen that apart from two abrasions, the complaint was "of pain".

Having considered the matter, as regards petitioner no.1, though he is stated to have outraged the modesty of the complainant in the manner described in the complaint, however, learned counsel for the State could not deny that there is no offence shown to be made out in the FIR, as may be punishable under Section 354 of the IPC.

That being so, without making any comment whatsoever on the actual involvement or otherwise of the petitioners, in the commission of any offence, including an offence punishable under Section 354 of the IPC, keeping in view the facts and circumstances of the case, this petition is allowed and upon the petitioners joining investigation, in case they are sought to be arrested, they would be released on bail, on their furnishing adequate bail and surety bonds to the satisfaction of the arresting officer/Illaq Magistrate. They shall abide by all the conditions stipulated

in Section 438(2) Cr.P.C.

Disposed of in the above terms.

(AMOL RATTAN SINGH)
JUDGE

19.08.2019

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