

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-28099-2019 (O&M)
Date of Decision:-10.7.2019

Harjit Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Partap Singh, Advocate for the petitioner.

Ms. Amarjit Kaur Khurana, Sr. DAG, Punjab.

GURVINDER SINGH GILL, J.(Oral)

The petitioner has approached this Court seeking grant of regular bail in respect of a case registered vide FIR No.55 dated 4.6.2019 registered at Police Station Khamano, District Fatehgarh Sahib (Punjab) under Sections 353, 186, 506 and 34 of Indian Penal Code, 1860.

The FIR was lodged at the instance of Sh. Rupinder Manku, Naib Tehsildar, Khamano, wherein it has been alleged that on 31.5.2019, when he was not feeling well, he was going back from office but at that time Harjit Singh Mavi, Press Reporter and two other unknown persons abducted him in the staircase and brought him back forcibly in his office and conducted search of the office in an unauthorized manner and demanded money by threatening him. It is alleged that when the complainant refused to accede to their demand they threatened him and tried to blackmail him. It is

further alleged that the accused also manhandled him and gave pushes to him.

The learned counsel for the petitioner has submitted that a false FIR has been lodged against the petitioner who is plan correspondent as would be evident from the fact that although the occurrence is stated to have taken place on 31.5.2019, the matter was reported to the police as belatedly as on 4.6.2019. The learned counsel has further submitted that infact the present petition is a counter-blast to the news item, which was got published in 'Ajit' newspaper in its publication dated 1.6.2019, wherein conduct of the complainant in coming to his office in inebriated condition had been exposed and his photographs had also been published. The learned counsel for the petitioner has produced a photocopy of newspaper 'Ajit', which is taken on record, wherein it has been mentioned that infact the occurrence dated 31.5.2019 had been duly videographed and the video recording had been handed over to the local SDM. It has thus been submitted that the present FIR has been lodged belatedly so as to build up a defence by the complainant.

Opposing the petition, the learned State counsel has submitted that no authenticity can be attached to the news item and that since the petitioner is specifically named in the FIR and there are specific allegations, the petitioner does not deserve the concession of bail.

The sequence of events as unfolded i.e. the publication of news against the complainant on 1.6.2019 and thereafter lodging of the present FIR on 4.6.2019 could tend to show that the FIR has been lodged belatedly as an after thought and to build up a defence.

Without commenting any further on the merits of the case and bearing in mind the nature of allegations and that nothing is to be recovered from the petitioner, the petition is accepted. In the event of arrest, the petitioner be released on bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

It is, however, made clear that none of the observations made above shall be construed to be an expression on merits of the main case.

The petition stands accepted accordingly.

10.7.2019

pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No