

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Date of decision : November 01, 2019

1. Criminal Misc. No. M-31572 of 2019 (O&M)

Kuldeep Kaur and anotherPetitioners

versus

State of PunjabRespondent

2. Criminal Misc. No. M-35602 of 2019 (O&M)

Maya and othersPetitioners

versus

State of PunjabRespondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. HS Oberoi, Advocate, for the petitioners in
CRM-M-31572-2019

Mr. JS Sidhu, Advocate, for the petitioners in
CRM-M-35602-2019

Ms. Sakshi Bakshi, AAG, Punjab for the State

Fateh Deep Singh, J. (Oral)

CRM-26220-2019 IN CRM-M-31572-2019

Learned State counsel submits that he does not want to

file reply to the application and has no objection if the same is allowed.

In view of the stand of the learned State counsel and averments made in the application, the same is allowed. Office is directed to make necessary addition of offences in the heading of the main petition.

CRM-M-31572-2019 & CRM-M-35602-2019

Since both these anticipatory bail applications under Section 438 Cr.P.C., one by Kuldeep Kaur and Shubeg Singh and another by Maya, Amrinder Singh @ Denny, Simranjit Kaur, Sumiter Singh and Jaswant Kaur have arisen in the same very FIR No. 58 dated 30.6.2019, under Sections 341, 354, 294, 149 IPC and Sections 354(B), 223, 506 IPC added lateron, Police Station Sanaur, District Patiala, are thus being taken up and disposed of together.

The present case was got registered on the complaint of one Manjit Kaur alleging that she was going to her fields to give food to her husband when her nephew Gurjit Singh was cultivating Panchayati land which he has taken on contract. Around 9.30 AM, it is claimed that accused Shubeg Singh, Sumitter Singh, Denny, Kuldeep Singh, Simran Kaur, Kuldeep Kaur, Jaswant Kaur, Kulwinder Kaur and Maya entered the field and stopped the nephew

of the complainant from ploughing the same. It is alleged that all the accused beat up her nephew and the complainant and her husband tried to rescue Gurjit Singh. It is alleged that Shubeg Singh caught hold of the complainant and dishonoured her by tearing her clothes while Simran Kaur and others also did the same act leading to the registration of the present case.

Learned counsel for the petitioners inter-alia contends that there are only general and vague allegations and it was purely a land dispute and to deter the other party the present petitioners, the complainant has got lodged a false FIR wherein the entire family has been roped in and nothing is corroborative to support the case of the complainant.

Learned State counsel has strongly opposed the bail on the grounds that the accused have committed a heinous offence in which custodial interrogation is very much essential and if allowed bail, there is every likelihood that they will stifle the investigations and the trial.

Going through the submissions of the two sides, a deep perusal of the allegations and the records shows that the allegations are vague and there is no specific role attributed except that the accused tore off the clothes of the complainant when admittedly it is clearly conceded at the bar by the counsel for the two sides that the

parties are litigating over a dispute of land. The very allegation of intend to outrage the modesty and thus applicability of offence under Section 354 IPC becomes a debatable issue when there are number of women folk from the side of the petitioners. Nothing is to be recovered from the petitioners and sending them behind the bar shall be traversity of justice.

In view of the aforesaid, both the petitions are allowed. In the event of arrest, the petitioners 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 petitioners 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, on presentation of challan, the petitioners will be permitted to furnish regular bail bonds to the satisfaction of the trial Court.

Both the petitions stand disposed of.

November 01, 2019

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**(Fateh Deep Singh)
Judge**

*Whether speaking/reasoned ?
Whether Reportable ?*

*Yes/No
Yes/No*