

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-44446 of 2018 (O&M)
Date of decision : May 10, 2019

Kulwant Chand

....Petitioner

versus

State of Punjab

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Ms. Swati Verma, Advocate, for the petitioner

Mr. Saurav Khurana, DAG, Punjab, for the State

Mr. Narinder Kumar Awasthi, Advocate, for the complainant

Fateh Deep Singh, J. (Oral)

Petitioner Kulwant Chand who is accused in case FIR No. 182 dated 19.8.2018, under Sections 354-A, 354-B, 323, 427, 147, 149, 341, 506 IPC, Police Station Daresi, Ludhiana, has sought anticipatory bail in this application under Section 438 Cr.P.C.

The present case was got registered on the statement of complainant a married lady with kids whose husband is employed abroad. In her complaint she alleges that on 17.8.2018 at night time

accused Rahul Bains along with his un-known friends gave beatings to her son Saif Hussain Reeza Khuri and while the complainant had gone to the petitioner's house to lodge a complaint, it is alleged that on hearing shrieks of her son she came out and saw that her son was being beaten by Rahul and in the meanwhile, the petitioner came out and also gave beatings to the son of the complainant and thereafter the complainant intervened. Subsequently, on 18.8.2018 around 8.00 AM in the morning when the complainant was going in the street, accused Rahul and the present petitioner were standing outside and on seeing her they passed remarks about the previous incident and when the complainant make them understand, it is alleged that both the accused father and son assaulted her, torn her clothes and made her stand by the wall and did indecent acts leading to the registration of the present case.

Ms. Swati Verma, counsel for the petitioner has argued that it was a pure simplicitor quarrel between two neighbours which has been given the twist by the complainant and that the petitioner is a matured grown up person whose kid had earlier fought with the child of the complainant and the petitioner has been falsely implicated and nothing is to be recovered from him.

Learned State counsel assisted by ASI Gurwinder Singh, PS Daresi, Ludhiana and Mr. Narinder Kumar Awasthi, learned counsel for the complainant has not disputed the facts canvassed

before this Court by the learned counsel for the petitioner but has opposed the relief on the grounds that the petitioner had knowingly and intentionally torn the clothes of the complainant lady and had molested her and therefore, was not entitled to any relief much less by way of anticipatory bail arguing that two more DDRs have been filed against the petitioner.

Admittedly, the petitioner and the complainant are neighbours and over a dispute between two kids they have entered into this dispute and only simple injuries to the petitioner by way of assault have been attributed. To the specific query of the Court, learned State counsel could not show any medico legal report to corroborate the allegations of the complainant at this stage. It is a case where custodial interrogation of the petitioner is not essential to effect any recovery. It would be traversity of justice to send the petitioner behind the bars. More-over record reveals that the parties are habitual to level insinuation against each other to the police through different complaints.

In view of the aforesaid, the present petition is allowed. 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, on presentation of challan, the petitioner will be permitted to furnish regular bail bonds to the satisfaction of the trial Court.

The present petition stands disposed of.

May 10, 2019
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(Fateh Deep Singh)
Judge

Whether speaking/reasoned ?
Whether Reportable ?

Yes/No
Yes/No