

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

CRM-M-53984-2018

Date of decision: 27.08.2019

KULWINDER SINGH

....Petitioner

Versus

STATE OF PUNJAB & ORS

.....Respondents

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. Mohit Sadana, Advocate
for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

GURVINDER SINGH GILL, J. (ORAL)

1. The petitioner seeks grant of anticipatory bail in respect of FIR No.26 dated 28.2.2017 under Section 354 IPC and Section 3 of POCSO Act, Police Station Bhindi Saidan.
2. The FIR was lodged at the instance of Kashmir Kaur wherein it has been alleged that on 19.2.2017 when she along with her daughter were going towards bus-stop, then Kulwinder Singh caught hold of her daughter's arm and when her daughter started shouting and complainant ran towards her daughter, the aforesaid Kulwinder Singh ran away from the spot upon seeing the complainant. It is further stated therein that even on some earlier occasions the aforesaid Kulwinder Singh (petitioner) had harassed complainant's daughter.
3. Learned counsel for the petitioner has submitted that the FIR has been

lodged falsely and that in fact the complainant had also furnished an affidavit Ex.P2 wherein she had deposed that the FIR came to be lodged on account of party faction. Learned counsel for the petitioner has further submitted that in fact the complainant along with her husband are themselves involved in a murder case in respect of murder of complainant's brother-in-law (*Jeth*).

4. Opposing the petition, learned State counsel has submitted that pursuant to directions issued by this Court on 8.4.2019 the statement of prosecutrix has been recorded wherein she stated that the accused even prior to the occurrence he had been harassing her and had torn her clothes. It has however been informed that the petitioner has since joined investigation.
5. Having regard to the facts and circumstances of the case and bearing in mind the nature of allegations which are to the effect that the petitioner caught hold of victim from her hand but upon alarm being raised he ran away from the spot, in my opinion, present case is not such which would warrant custodial interrogation. Accordingly the petition is accepted and the interim directions issued vide dated 6.12.2018 by this Court are hereby made absolute subject to the condition that the petitioner would appear before Investigating Officer 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.

(GURVINDER SINGH GILL)
JUDGE

27.08.2019
Gaurav Sorot

Whether reasoned / speaking? **Yes / No**

Whether reportable? **Yes / No**