

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

**CRM-M-9738-2020
Decided on : 16.03.2020**

Harvinder Singh

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

PRESENT: Mr. Himanshu Puri, Advocate
for the petitioner(s).

Ms. Jaspreet Kaur, Asstt. AG, Punjab
assisted by ASI Major.

MANJARI NEHRU KAUL, J. (Oral)

The instant petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner, in case FIR No. 123, dated 26.11.2019, under Sections 354, 506, 341, 34 IPC, registered at Police Station Sadar Phagwara, District Kapurthala.

Learned counsel for the petitioner contends that on a perusal of the FIR, it is evident that no offence is made out against the petitioner and the FIR has been lodged by the complainant only to satisfy her ego on account of a heated argument, which took place between a male member of her family and co-accused Baljot Singh on 11.11.2019 at 09:40 P.M. at a restaurant. It was vehemently contended that the CCTV footage of the incident lent further credence to the aforementioned fact. Not only this, the alleged incident happened on 11.11.2019, however, the FIR was registered only on 26.11.2019, which left no manner of doubt that a fabricated version had been brought forth by the complainant.

Per contra learned State counsel while vehemently opposing the

submissions made by the learned counsel for the petitioner submitted that the

petitioner along with the co-accused was not only present at the place of occurrence, but all the accused had passed vulgar and abusive remarks against the daughter of the complainant at 'Haweli Restaurant' Jalandhar. Despite being asked by the complainant repeatedly to refrain from indulging in such indecent behaviour, they continued eve-teasing her daughter, so much so, co-accused Baljot Singh unhesitatingly gave out his name and address while declaring that 'she could do whatever she wanted'. It was thereafter, the complainant having been left with no other option, on seeing the plight of her young daughter crying, immediately reported to SSP, Kapurthala and SSP, Phagwara, through a whatsapp message about the incident in question. Hence, the State counsel submitted in the circumstances, it could not be said to be a case of concocted version, much less, a delayed FIR.

I have heard learned counsel for the parties, perused the FIR in question as well as the other material available on record.

The CCTV footage of the place of occurrence clearly reveals that the petitioner was very much present at the spot along with the co-accused. The place of occurrence is a very much frequented public place, where, the petitioner along with the co-accused blatantly indulged in using abusive and lewd language against the daughter of the complainant. Even though, the petitioner as well as the co-accused were asked time and again by the complainant and others to behave themselves, but they unabashedly continued passing lewd remarks against the daughter of the complainant and had the audacity to declare that 'she could report to whosoever she wanted' and one out of the three accused even gave out his name.

No doubt, the name of the petitioner does not figure in the FIR in question, but the CCTV footage clearly reveals his presence along with the co-accused Baljot Singh. Not only this, while reporting the matter to the police authorities through whatsapp, the complainant clearly mentioned that the co-

accused Baljot Singh was accompanied by two other boys, who too had been indulging in obscene and vulgar behaviour.

The contention raised by the learned counsel for the petitioner that it was a delayed FIR, on the face of it, is bereft of any merit. No doubt, the FIR in question was lodged on 26.11.2019, but the fact remains that the complainant had within 10 minutes of the occurrence at 'Haweli Restaurant' sent a whatsapp message to SSP, Kapurthala and SSP, Phagwara, and reported to the authorities concerned, against all the accused. Hence, in the circumstances, it cannot be said to be a case of embroidered version, much less, a case of delayed FIR.

I endorse the observations made by the Court below in the impugned order dated 11.02.2020 (Annexure P-2) that the act and conduct of all the accused including the petitioner clearly reflected the blatant lawlessness that they all had indulged in, including the use of abusive and lewd language against a young girl at a public place.

This Court is not inclined to extend the extraordinary concession of anticipatory bail to the petitioner in the light of the allegations levelled against him in the FIR in question.

Dismissed. However, anything observed herein shall not be taken as an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

March 16, 2020

J.Ram

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No