

201 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-12299 of 2020
Date of Decision :15.09.2020

Kesar Singh

...Petitioner

Versus

State of Punjab

...Respondent

(Through video conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Parampreet Singh Paul, Advocate
for the petitioner.

Mr. Sandeep Singh Deol, DAG, Punjab.

Harsimran Singh Sethi, J. (Oral)

Petitioner is seeking anticipatory bail in FIR No.38 dated 12.04.2020, under Sections 354, 354-A, 354-D and 509 IPC registered at Police Station Sri Anandpur Sahib, District Rupnagar.

Learned counsel for the petitioner contends that the petitioner has joined investigation in terms of order passed by this Court on 29.05.2020. Order dated 29.05.2020 is as under:-

“The present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail in respect of FIR No. 38 dated 12.04.2020, under Sections 354, 354-A, 354-D and 509 IPC, registered at Police Station Sri Anandpur Sahib, District Roopnagar.

Learned counsel for the petitioner argues that though as per the FIR, the allegation against the petitioner is that he touched the complainant due to which Section 354 IPC has been mentioned in the FIR, but even if it is assumed that for the sake of argument that the allegation is correct, touching does not mean assault or a criminal force used on a woman with the

intend to outrage her modesty and, therefore, petitioner has been falsely implicated due to the political rivalry and hence, is entitled for the concession of anticipatory bail.

Mr. Ajay Pal Singh Gill, learned Deputy Advocate General, Punjab, who has also joined the proceedings through video conference, concedes that as per the FIR, it has only been mentioned that petitioner touched the complainant. He states that the actual facts will come during the investigation. Learned counsel for the State further concedes that no recovery is to be done from the petitioner.

I have heard learned counsel for the parties and have gone through the record carefully.

Keeping in view the fact that no recovery is to be done from the petitioner and prima-facie, the allegation is only with regard to touching and not assaulting or using criminal force to outrage the modesty of the complainant and the actual fact will only emerge during the investigation and the counsel for the petitioner has already undertaken that petitioner will co-operate with the investigating agency, petitioner has made out a case for the grant of concession of anticipatory bail.

Petitioner is directed to join the investigation forthwith.

In the event of his arrest, he shall be released on interim bail to the satisfaction of the Arresting Officer/Investigating Officer on his furnishing bail bonds/surety bonds to his/her satisfaction subject to the following conditions :

(i) That he shall make himself available for interrogation by the police officer as and when required.

(ii) That he shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the said facts to the Court or to any police officer.

(iii) That he shall not leave India without prior permission of the Court.

(iv) That he shall abide by all the conditions as enshrined under Section 438(2) Cr.P.C.

Adjourned to 11.08.2020.”

Learned State counsel, who has also joined the proceedings through video conference, on instructions from S.I. Gagandeep Singh, states that in terms of the order of this Court reproduced before, the petitioner has joined the investigation and no further interrogation is required.

In view of the above, the order dated 29.05.2020 granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C. He shall also join investigation as and when called upon to do so.

In case at any given point of time hereinafter, it is felt by the Investigating Agency that petitioner is required for the investigation but is not co-operating, it will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

September 15, 2020
aarti/naresh.k

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No