

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH.

(202)

CRM-M-12480-2020

Date of Decision: September 09, 2020

Om Parkash @ Om Bhatti

.. Petitioner

Versus

State of Punjab

.. Respondent

(Through video conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Gautam Thapar, Advocate, for the petitioners.

Mr. Sandeep Singh Deol, DAG, Punjab.

Mr. Naresh Kumar, Advocate, for the complainant.

**HARSIMRAN SINGH SETHI, J.(ORAL)**

The petitioner is seeking anticipatory bail in FIR No 20 dated 31.01.2020 under Section 376-D IPC registered at Police Station Kartarpur, District Jalandhar.

Learned counsel for the petitioner contends that the petitioner has joined investigation in terms of order passed by this Court dated 09.06.2020. Order dated 09.06.2020 is as under:-

*“Files have been taken for hearing through video conference due to Covid-19 pandemic.*

*CRM-11712-2020 in CRM No. M-12480 of 2020*

*In pursuance to order dated 29.05.2020, status report has been filed by learned State counsel. The same is taken on record.*

*Keeping in view the averments made in the application, the aforesaid application is allowed. The hearing of main petition i.e.*

*CRM No. M-12480 of 2020 is preponed for today and the main case is taken up for hearing.*

*CRM No. M-12480 of 2020 and CRM No. M-13938 of 2020*

*Both the above mentioned petitions are being taken up together as the petitioner(s) are named as accused by way of same FIR No. 20 dated 31.01.2020.*

*Petitioner(s) Om Parkash @ Om Bhatti and Chet Ram are seeking anticipatory bail in respect of FIR No. 20 dated 31.01.2020, under Section 376-D IPC, registered at Police Station Kartarpur, District Jalandhar.*

*Learned counsel for the petitioner(s) states that there is an enmity between the families of the prosecutrix and the accused Om Parkash and lot of litigation is already pending between the parties. Learned counsel further submits that this is not the first time that the FIR has been got registered against the petitioner Om Parkash @ Om Bhatti as on earlier occasion also an attempt was made by the family of the prosecutrix, but they failed in the same and the FIR was cancelled by Police after investigation. Learned counsel for the petitioner(s) further states that even from the bare reading of the allegations, prima-facie, show that the allegations are false as the prosecutrix herself has submitted that she on her own went alongwith petitioner Chet Ram (in CRM No. M-13938 of 2020) on his bicycle.*

*Mr. Ajay Pal Singh Gill, learned Deputy Advocate General, Punjab, who appears through video conference, submits that as the P.O. proceedings against petitioners are under way, therefore, petitioner(s) be not extended the benefit of anticipatory bail, at this stage.*

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

*From the record, it transpires that there is old enmity between the prosecutrix and accused Om Parkash @ Om Bhatti and earlier FIR registered against the family of accused Om Parkash @ Om Bhatti was cancelled by the police after investigation.*

*Further, in the present FIR, the prosecutrix herself has admitted that she went on her own on the bicycle of accused Chet Ram to Sabzi Mandi but accused Chet Ram took her to a Khokha,*

*where accused Om Parkash @ Om Bhatti was also present and the offence was committed. Nothing has been stated by the prosecutrix as to why she did not raise alarm when Chet Ram, on whose bicycle, she went, did not take her to Sabzi Mandi and took her to a Khokha. Learned State counsel has not been able to rebut the argument that on earlier occasions false allegations have been made by the prosecutrix against the family of Om Parkash @ Om Bhatti due to old enmity with the family of accused Om Parkash @ Om Bhatti.*

*In the facts and circumstances of this case, both the petitioner (s) have made out a case for the grant of anticipatory bail, at this stage.*

*Petitioner(s) Om Parkash @ Om Bhatti and Chet Ram are directed to join the investigation forthwith.*

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

*(i) That they shall make themselves available for interrogation by the police officer as and when required.*

*(ii) That they 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 they shall not leave India without prior permission of the Court.*

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

*Adjourned to 09.09.2020.*

*It is, however, made clear that after the petitioners join the investigation, in case any incriminating material comes against the petitioner(s), the respondent-State will be at liberty to file appropriate application seeking the custody of the petitioner(s) in case, the same is needed .*

*A photocopy of this order be placed on the file of another connected matter.”*

Learned State counsel, who has also joined the proceedings through video conference, on instructions from SI Seema, Police Station Kartarpur, District Jalandhar, states that in terms of the order of this Court reproduced before, the petitioner has joined the investigation and no further interrogation is required at this stage.

Learned counsel for the petitioner undertakes that petitioner will join investigation and also cooperate with the investigating agency in case he is required for the same in future as well.

In view of the above, the order dated 09.06.2020 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 cooperating, they will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

(HARSIMRAN SINGH SETHI)  
JUDGE

September 09, 2020  
*harsha/naresh.k*

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