

HEARD THROUGH VIDEO CONFERENCING
IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.12982 of 2020 (O&M)
Decided on: 08.07.2020

Paramjit Singh and others

....Petitioners

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Mohinder S. Nain, Advocate
for the petitioners.

Mr. A.P.S. Gill, AAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR
No.35 dated 25.4.2020 registered under Sections
323/341/188/186/353/379-B/148/149 IPC at Police Station Ghanaur,
District Patiala.

The operative part of the order dated 27.05.2020 passed by
this Court, reads as under:-

*“Counsel for the petitioners submits that on account
of the lockdown and curfew imposed by the Government of
India as well as by the State of Punjab, the people were
required not to move after 7.00 p.m.*

*Counsel for the petitioners further submits that the
petitioner has lodged a complaint with Nirmal Singh,
Sarpanch that two ladies are residing in front of his house
and complainant Ravinder Pal Singh Brar, who is working
as Inspector in Punjab Mandi Board used to visit them at
late night along with 3/4 persons and since there was foot-
fall in the house of the aforesaid two ladies, Nirmal Singh,*

Sarpanch called the police, which came at the spot and heard the grievances of the petitioners and the other residents of the village, however, the complainant exerted his pressure being Inspector in Punjab Mandi Board and got the FIR registered with the allegations that one of the lady, named 'M' (name not disclosed) used to prepare food in her village and the complainant while going back from duty in the evening used to take meal from her house. He attended his duty at Maadu Mandi and Ghanaur Mandi and on that day, he along with Anant Pal Singh and Kuldip Singh while going back to his home at Patiala parked his car in front of the house of lady 'M' to take the meal, whereas the petitioners and others gathered and threatened him, hurled abuses and took away his purse containing Rs.3,500/-.

Counsel for the petitioners has further submitted that the distance between the house of the complainant at Patiala and village of the complainant is about 30 kilometers and during the lock-down, he was not supposed to go to the house of the lady 'M' at about 10.00 p.m. Counsel for the petitioner has further submitted that, in fact, the complainant is having relationship with the lady 'M' and used to visit her house around 10.00 p.m. along with 3/4 other persons and at 10.00 p.m. he was not supposed to be on government duty for which the FIR has been registered. Counsel for the petitioners further submitted that just to aggravate the offences, the complainant has levelled allegations that the petitioner has taken Rs.3,500/- and Identity Card.

Notice of motion.”

Counsel for the petitioners has argued that in pursuance to the order dated 27.05.2020, the petitioners have joined the investigation and they are no more required for any further investigation.

Counsel for the State has not disputed the factual position.

In response to the direction given to the SSP, Patiala, to verify as to how the complainant had visited the village of the petitioners at 10:00 PM at a distant place from his residence, it is stated in the affidavit filed by the SSP, Patiala that an SIT was constituted on 27.05.2020 to verify the facts and as per the SIT report, it was found that the petitioners were having grudge against the lady and her family members and on that account, when the complainant visited the house, he was given beatings. Though, the SIT report and the affidavit of the SSP, Patiala say that the complainant was on duty till late night in connection with his job of supervision in the Mandi, however, the only finding recorded by the SIT of visiting the complainant to the house of the lady named “M” (name not disclosed), is that he has gone there to collect his food which does not appeal to logic.

Considering the fact that the only prayer in this petition is for grant of anticipatory bail to the petitioners, no further action is called for. Accordingly, this petition is allowed and the order dated 27.05.2020 passed by this Court, is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioners, in case they are found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

08.07.2020

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Whether speaking/reasoned
Whether reportable:

Yes/No
Yes/No