

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

CRM-M No.13399 of 2020
Date of decision: 1st June, 2020

Balwinder Singh & Another

... Petitioners

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Kuldip Singh, Advocate for the petitioners.

FATEH DEEP SINGH, J. (ORAL)

The matter has been taken up through video-conferencing on account of outbreak of pandemic COVID-19.

Mr. Dhruv Dayal, Sr. Deputy Advocate General, Punjab puts in appearance on behalf of the State on his own.

Petitioners Balwinder Singh and Gurpreet Singh have come up in this first anticipatory bail application under Section 438 Cr.P.C. in case bearing FIR No.0033 dated 03.04.2020 under Sections 354, 506, 34 IPC pertaining to Police Station Sadar Jalalabad, District Fazilka got registered on the application/complaint of unmarried girl aged around 25 years daughter of Ram Singh alleging that the accused petitioners along with their co-accused non-applicants Krishan Singh and Jaj Singh, around 7:00 p.m. on 09.03.2020 had trespassed into their house, gave abuses to the complainant, broke their household articles and prior thereto all these accused had been taking rounds of her house with a bad

intention. The complainant alleges that these accused had not only given her beatings but also groped her leading to registration of the present case.

Learned counsel for the petitioners Mr. Kuldip Singh, Advocate inter alia contends that on 10.03.2020 the unmarried granddaughter of Dalip Singh has got registered an FIR against the family members of the present complainant and that subsequently on 03.04.2020 as a counterblast the present case has been got registered at the behest of family of Ram Singh through his daughter and that there is neither any medical evidence much less any other tangible evidence to show commission of offence.

Learned State counsel Mr. Dhruv Dayal, Sr. Deputy Advocate General, Punjab on instructions from ASI Mukhtiar Singh, though does not displace the facts but stoutly opposes the grant of bail to the petitioners on the grounds of seriousness of allegations.

Going through the submissions of the two sides, the initial FIR (Annexure P2) was got registered by the family of the present petitioners side and that it is after much time these allegations by way of present FIR (Annexure P3) have come about. To the very specific query of the Court, learned State counsel could not support his stand of any medical evidence much less anything to show breaking of the household articles or instances having ever occurred and rather appears to be a counterblast to the earlier case got registered by the petitioners' family.

In the light of these circumstances, sending the petitioners in custody would be a travesty of justice and their joining the investigations would suffice the purpose. Accordingly, the petitioners are directed to appear before the investigating officer within a period of 15 days from the date of receipt of certified copy of this order and on their doing so they shall be released on bail to the satisfaction of the arresting/investigating officer till submission of report under Section 173 Cr.P.C. (challan). The petitioners shall continue to join investigation and shall furnish an undertaking that they shall abide by the conditions specified under Section 438 (2) Cr.P.C. Thereafter, they will be permitted to furnish regular bail bonds to the satisfaction of the trial Court.

The petition stands disposed off accordingly.

(FATEH DEEP SINGH)
JUDGE

June 1, 2020

rps

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No