

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

CRM-M No.13401 of 2020
Date of decision: 1st June, 2020

Avtar Singh @ Tari

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Sarju Puri, Advocate for the petitioner.

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.

Petitioner Avtar Singh alias Tari has come up in this first anticipatory bail application under Section 438 Cr.P.C. in case bearing FIR No.32 dated 16.05.2020 under Sections 323, 452, 354-B IPC pertaining to Police Station Mukandpur, District SBS Nagar got registered by complainant, a widowed lady aged around 50 years. In her allegations, the complainant states that her husband Mangat Ram had died and she was having four sons and one daughter from that marriage. The complainant claims that on account of economic hardship, she started working as a domestic help at the house of the accused petitioner about five years ago and in the process had borrowed a sum of

₹3,25,000/- from the petitioner. Subsequently, a dispute had arisen and a compromise was arrived at between the parties on 25.10.2018. It is alleged that the accused petitioner used to visit her house and during one of the visits on 15.05.2020 while she was alone at the house accused came in his car and after entering her house caught hold of the complainant and tried to forcibly make her sit in the car and when she resisted accused is alleged to have bitten on the left and right cheek of the complainant as well as her left breast and tore off her clothes leading to registration of the present case.

Learned counsel for the petitioner Mr. Sarju Puri, Advocate inter alia contends that it was a simple money dispute and has sought to place reliance on the settlements (Annexure P1 and P2) the last one being one week prior to the present allegations to hammer home the point of this malicious prosecution of the petitioner and has also sought to claim that it was merely a false allegation for a motivated cause.

Learned State counsel Mr. Dhruv Dayal, Sr. Deputy Advocate General, Punjab though does not displace the facts canvassed by learned counsel for the petitioner but vehemently opposes the bail on the grounds of seriousness of allegations as the MLR rather substantiates the allegations of the complainant regarding assault by the accused.

Appreciating the submissions of the two sides, it is well reflected in the FIR that the petitioner as well as complainant, both have received simple injuries in the scuffle. There is a history of monetary

dispute between the parties, which is reflected from the agreements/settlements (Annexure P1 and P2). In view thereof and the fact that what one can decipher that it appears to be much more than as reflected in the FIR over the inter-se relationship of the complainant and the petitioner, joining by the petitioner in the investigations would suffice the purpose. Accordingly, the petitioner is 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 his doing so he 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 petitioner shall continue to join investigation and shall furnish an undertaking that he shall abide by the conditions specified under Section 438 (2) Cr.P.C. Thereafter, he 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