

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

**CRM-M-18878-2020 (O&M)
Date of Decision:08.09.2020**

Kalu Ram @ Vinod Kumar & anr.

.....Petitioners

Versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. Rana Gurtej Singh, Advocate for the petitioners.

Mr. A.S. Sandhu, Addl. A.G. Punjab.

TEJINDER SINGH DHINDSA J.(Oral)

This case has been taken up through Video Conferencing via Webex facility in the light of Pandemic Covid-19 situation and as per instructions.

This order shall dispose of the instant petition filed under Section 438 Cr.P.C. seeking concession of anticipatory bail to the petitioners in FIR No.64 dated 27.05.2020 under Sections 354, 323 and 34 IPC registered at Police Station Sadar Abohar, District Fazilka, Punjab.

While issuing of notice of motion, the following order was passed by this Court on 16.07.2020:-

“This case has been taken up through Video Conferencing via Webex facility in the light of Pandemic Covid-19 situation and as per instructions.

Petitioners seek concession of pre-arrest bail in case FIR No.64 dated 27.05.2020, under Sections 354, 323 and 34 IPC registered at Police Station Sadar Abohar, District Fazilka, Punjab.

Present case had been registered against the petitioners herein on the allegations that on 20.05.2020 they tore the shirt of the complainant thereby outraged her modesty and even caused simple injuries on her person.

Petitioners herein are mother and son.

Counsel contends that it is a clear case of false implication. The complainant's sister namely Priyanka had got married to the brother of petitioner No.1 and son of petitioner No.2 against the wishes of the complainant's family. On account of such development the family of the complainant have nursed grudge against the petitioners as also against their own daughter namely Priyanka. To substantiate such contention counsel submits that Priyanka i.e. daughter of the complainant and Anil Kumar, brother of petitioner No.1 had even filed CWP No.19074 of 2019 before this Court seeking protection of life and liberty and such petition was disposed of on 16.07.2019 (Annexure P-2) with a direction to the SHO concerned to look into the matter.

Notice of motion returnable for 08.09.2020.

In the meanwhile, petitioners are directed to join investigation.

In the event of arrest, the petitioners shall be released on interim bail subject to the satisfaction of the Arresting Officer/Investigating Officer. The petitioners shall join investigation as and when called upon to do so and they shall remain bound by the conditions as envisaged under Section 438(2)

Cr.P.C.”

Mr. A.S. Sandhu, Addl. A.G. Punjab, on instructions from ASI Dayal Chand, informs the Court that the petitioners have since joined investigation and are not required for any custodial interrogation.

In view of the above, petition is allowed. Order dated 16.07.2020 passed by this Court, is made absolute.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

September 08, 2020

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No