

201

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.22735 of 2020

Date of Decision: 09.10.2020

DAMAN

.....Petitioner

Vs

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. A.S. Manaise, Advocate for the petitioner.

Mr. Harbir Sandhu, Asstt. A.G., Punjab.

Mr. Munish Puri, Advocate for the complainant.

RAJ MOHAN SINGH, J.(Oral)

The case has been taken up for hearing through video conferencing.

The petitioner seeks grant of anticipatory bail in case bearing FIR No.113 dated 30.07.2020, registered under Sections 354, 354-A, 452, 323, 34 IPC at Police Station Tibber, District Gurdaspur.

On 14.08.2020, following order was passed by this Court:-

"The case has been taken up for hearing through video-conferencing.

Learned counsel for the petitioner contends that the petitioner is maternal uncle of Paras and there is huge difference between the age of the petitioner and that of Paras. In fact, Paras intended to marry the complainant. The alleged role of the petitioner is to get the proposed

relationship materialized by way of making the prosecutrix to understand. In fact the family of the sister of the petitioner always treated the complainant as their daughter-in-law, but the relationship was not materialized. In view of the aforesaid factual situation, the alleged allegation in the context of touching the breast of the complainant by the petitioner in the company of his nephew is highly imaginary. Two rod blows on the person of the father of the complainant did not cause any serious injury.

Notice of motion 28.9.2020.

Till the next date of hearing, arrest of the petitioner shall remain stayed.”

In compliance of the order dated 28.09.2020, today learned counsel for the complainant submitted that he has no instructions to appear on behalf of the complainant.

Learned counsel for the petitioner has himself produced on record MLR of father of the complainant showing that he received only simple injuries on his person. Arrest of the petitioner was stayed vide order dated 14.08.2020 passed by this Court.

Learned State counsel on instructions from ASI Paras Ram submitted that the injuries on the person of Pawan Kumar have been found to be simple in nature.

In view of aforesaid position, the present petition is allowed. Petitioner is directed to appear before the SHO/Investigating Officer to join investigation on 14.10.2020

and in the event of his arrest, he shall be released on bail on his furnishing bail bonds to the satisfaction of SHO/Investigating Agency subject to the following conditions as envisaged under Section 438(2) Cr.P.C:-

- i) that the petitioner shall make himself available for interrogation before the Investigating Officer as and when required;
- ii) that the petitioner 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 such facts to the Court or to any police officer;
- iii) that the petitioner shall not leave the country, without prior permission of the Court and shall surrender his passport, if any.

October 09, 2020

Atik

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No