

S.No.106

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

CRM-M-25360 of 2020 (O&M)

Date of Decision:01.09.2020

Jiwan Singh @ Gurjiwan Singh and another

.....Petitioners

Vs.

State of Punjab

.....Respondent

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IN VIRTUAL COURT
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CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Nirmaljeet Singh Sidhu, Advocate for the petitioner.

Rajbir Sehrawat, J.(Oral)

The present petition has been filed by the petitioner under Section 438 Cr.P.C for grant of anticipatory bail in case FIR No.0052 dated 20.05.2018 registered under Sections 452/323/34 IPC at Police Station City Rampura, District Bathinda.

It is contended by counsel for the petitioners that the case against the petitioners is totally concocted. The same has been created by the complainant as a counter blast to an earlier FIR lodged by the daughter of petitioner No.1 against the present complainant under Section 354-A IPC and POCSO Act. Still further, it is submitted by counsel for the petitioner that the allegation regarding causing injuries are totally unsubstantiated. There is not even any medical examination to substantiate the allegations even prima-facie.

Notice of motion.

Mr. A.P.S. Gill, Addl. AG, Punjab, accepts notice on behalf of
the State.

Learned State Counsel, being instructed by ASI Jagtar Singh, submits that there are specific allegations against the petitioners qua they having entered into the Tuition Centre of the complainant and having assailed him. However, it is not disputed that there is not even medical examination of the complainant and that the complainant is already facing an FIR lodged by the daughter of the petitioner under Section 354-A IPC and POCSO Act.

In view of the above submissions, but without commenting upon merits of the case, the present petition is allowed. The petitioners are granted concession of anticipatory bail. Therefore, it is directed that in case of their arrest, the petitioners shall be released on bail subject to their furnishing bail bonds/ surety bonds to the satisfaction of Arresting/ Investigating Officer. However, it is further directed that the petitioners shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

September 01, 2020
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(RAJBIR SEHRAWAT)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No