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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.26864 of 2020 (O&M)

Date of decision: 15.09.2020

Jaspal Singh @ Babbu Member and another

....Petitioners

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Siddharth Gupta, Advocate
for the petitioners.

Mr. Joginder Pal Ratra, DAG, Punjab.

Mr. PKS Phoolka, Advocate for the complainant.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No.0069 dated 05.04.2020 registered under Sections 323, 341, 354 IPC and 3(1) of the SC & ST Act, (vide DDR No.25 dated 31.07.2020 offence under Section 354, 323 IPC were deleted) at Police Station Sadar Bathinda, District Bathinda.

It is submitted on behalf of the petitioner that after registration of the FIR, Sections 354 and 323 IPC have already been deleted by the police during the investigation. As per the allegations in the FIR, registered at the instance of the complainant, on 02.04.2020, he along with his wife Amandeep Kaur were going to Ration Depot of Harjeet Singh, to procure wheat and on the way, they met the petitioners, who were standing at the barricade near Railway crossing. When the complainant requested them to procure a slip of wheat, they abused them in the name of their caste and further tried to molest the wife of the complainant. It is further submitted on behalf of the petitioners that the incident is of 02.04.2020, when there was a complete lockdown in the country and no shop was opened and the entire story is a false story as neither the petitioners nor the complainant had gone out of their house. It is further submitted that in the complaint,

CASE HEARD THROUGH VIDEO CONFERENCING

nothing is stated that anybody from the general public had heard uttering of the words in the name of the caste of the petitioners and nothing is mentioned. It is further submitted that the complainant Bittu Singh is involved in two FIRs under the NDPS Act and apprehending that the petitioners have given an information to the police about his illegal action, he has involved the petitioners in the present FIR and there is a delay of 03 days in registration of the FIR.

Counsel for the State could not dispute the factual position that Sections 354 and 323 IPC stands deleted.

Counsel for the complainant has, however, argued that the complainant and his wife were abused in the name of their caste and the petitioners even tried to molest the wife of the complainant, however, as noticed Section 354 IPC already stands deleted.

After hearing the counsel for the parties, considering the antecedents of the complainant and in view of the fact that both the petitioners are not involved in any other case, this petition is allowed and the petitioners are directed to appear before the Investigating Officer within a period of 10 days from today to join investigation and they shall be released on interim bail subject to their furnishing bail/surety bonds.

Disposed of.

(ARVIND SINGH SANGWAN)
JUDGE

15.09.2020

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No