

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

CRM-M-3014 of 2021

DECIDED ON: 12th MARCH, 2021

Balkar Singh

.....PETITIONER

VERSUS

State of Punjab and another

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. L.S. Sidhu, Advocate for petitioner.

Mr. Ramandeep Sandhu, Sr. DAG Punjab.

AVNEESH JHINGAN, J (ORAL)

The matter is taken up for hearing through video conference due to COVID-19 situation.

This petition is filed for grant of anticipatory bail in case of FIR No.131 dated 22.8.2020 under Sections 420, 120-B IPC, 1860, registered at Police Station Sadar Budhlada, District Mansa.

This Court vide order dated 22nd January, 2021 granted interim bail subject to joining investigation. The order is reproduced below:

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

The petitioner has filed the present petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in case FIR No.131 dated 22.08.2020 registered under Sections 120-B and 420 of the Indian Penal Code, 1860 (for short, "the IPC") at Police Station Sadar Budhlada, District Mansa.

Learned Counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case. Coaccused Kamaljeet Kaur @ Komal got registered FIR No.140 dated 02.08.2020 under Sections 376(D) and 506 of the IPC and Sections 3 and 4 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against Inderjit Singh, Sukhdev Singh and Charanjit Singh alleging her rape by them. Inderjit Singh, Sukhdev Singh and Charanjit Singh influenced the police which under influence prepared cancellation report. Kamaljeet Kaur @ Komal filed CRM-M-22873-2020 regarding fair and impartial investigation. In order to neutralize the support for co-accused Kamaljeet Kaur @ Komal, the police registered FIR No.150 dated 09.08.2020 under Sections 120-B, 384 and 420 of the IPC at Police Station Boha, District Mansa against the petitioner. Subsequently, the

police procured a false complaint from Sanjay Kaushik and registered another FIR No.144 dated 21.08.2020 under Sections 120-B and 420 of the IPC at Police Station Jhunir, District Mansa. In the FIR registered on complaint by Sanjay Kaushik, anticipatory bail has been granted to the petitioner. On the same allegations, the present FIR has been registered, after procuring false complaint from Balwinder Singh. Co-accused Jaspal Kaur has already been granted interim anticipatory bail by this Court vide order dated 11.01.2021 passed in CRM-M-148-2021. The petitioner is ready to join the investigation.

Notice of motion.

Pursuant to supply of advance copy of the petition, Mr. P.S. Walia, Asstt. AG, Punjab has appeared and accepted notice on behalf of the respondent-State.

Learned State Counsel seeks time to file reply.

In view of the facts and circumstances of the case, presence of the complainant is considered to be necessary for just and proper decision of the petition. Therefore, complainant is ordered to be impleaded as respondent No.2. Memo of Parties be amended accordingly.

Adjourned to 12.03.2021.

Notice to newly added respondent No.2 be issued for that date and notice be also given dasti, if so desired.

To be heard with CRM-M-148-2021.

In the meanwhile, the petitioner is directed to join the investigation as and when called upon to do so. In the event of his arrest, the petitioner shall be released on interim anticipatory bail by the arresting officer/investigating officer on furnishing of bail bonds by him to the satisfaction of the arresting officer/investigating officer. The petitioner shall comply with the conditions enumerated under Section 438(2) of the Cr.P.C. failing which he shall not be entitled to the protection of interim anticipatory bail allowed to him."

Learned State counsel on instructions from ASI Jasbir Singh submits that the petitioner has joined investigation and his custodial interrogation is not required.

As no custodial interrogation is needed, the interim bail granted on 22nd January, 2021 is made absolute.

Disposed of accordingly.

(AVNEESH JHINGAN)
JUDGE

12th MARCH, 2021

reema

Whether speaking/reasoned Yes
Whether reportable No