

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

202

CRM-M-4536-2020

Date of decision: 17.03.2021

Kanta @ Kulwant Singh

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Buta Singh Bairagi, Advocate
for the petitioner.

Mr. P.S. Walia, Asstt. A.G., Punjab
for the respondents.

ARUN KUMAR TYAGI, J. (ORAL)

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

The petitioner has filed this petition under Section 438 of the Code of Criminal Procedure, 1973 (for short, "the Cr.P.C") for grant of anticipatory bail in case FIR No.134 dated 18.06.2019 registered under Sections 384, 354, 323 and 341 read with Section 34 of the Indian Penal Code, 1860 and Section 67A of the Information Technology Act, 2000 at Police Station City Faridkot, District Faridkot.

As per the prosecution version, the complainant was allegedly called by Babaljeet Kaur to witness transaction of loan and when she went to her rented house, Manpreet Singh, 2-3 young boys and Kanta (the petitioner) were also present there. Babaljeet took her to another room. Kanta (the petitioner) allegedly took off her shirt and Manpreet Singh prepared her video. Bababljeet Kaur snatched her gold chain and ear-ring, demanded amount of Rs.2,50,000/- for deleting the

video and threatened to kill her and her family members in case she did not pay the amount and informed the police.

Vide order dated 25.08.2020 Co-ordinate Bench of this Court had granted interim anticipatory bail to the petitioner with direction to join the investigation.

However, the petitioner was again directed, vide order dated 14.01.2021, to join the investigation and produce his mobile phone.

The petition has been opposed by the learned State Counsel. However, no reply has been filed by the respondent-State.

I have heard learned Counsel for the petitioner and learned State Counsel and have gone through the record.

Learned Counsel for the petitioner has submitted that the petitioner has been falsely implicated in the case. Only allegation against the petitioner is of having removed the shirt of the complainant. In compliance with order dated 14.01.2021, the petitioner has again joined the investigation and produced his mobile phone and he may be granted anticipatory bail as his custodial interrogation is not required in the case.

On the other hand, learned State Counsel has vehemently opposed the petition and submitted that in view of gravity of accusation, the petitioner does not deserve grant of anticipatory bail. Therefore, the petition may be dismissed.

However, learned State Counsel has, on instructions from ASI Swaran Singh, acknowledged that in compliance with order dated 14.01.2021 passed by this Court, the petitioner has again joined the

investigation and got his mobile phone recovered and that his custodial interrogation is not required in the case.

In view of the facts and circumstances of the case, nature of accusation against the petitioner, the fact that custodial interrogation of the petitioner is not required in the case and there is no material to justify the apprehension of the petitioner fleeing from justice or tampering with evidence or criminally intimidating the prosecution witnesses, but without expressing any opinion on the merits of the case, I am of the considered view that the petitioner deserves the grant of anticipatory bail.

In view of the above, the petition is allowed and order dated 25.08.2020 granting interim bail to the petitioner is made absolute. However, the petitioner shall join the investigation again if and as and when called upon to do so and shall abide by the conditions enumerated in Section 438 (2) of the Cr.P.C., failing which the protection of anticipatory bail order shall not be available to him.

17.03.2021

Vinay

(ARUN KUMAR TYAGI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No