

**CRM-M-8634-2021**

Date of Decision:01.07.2021

Baldev Singh

.....Petitioner

Vs.

State of Punjab

....Respondent

**CORAM : HON'BLE MR.JUSTICE AMOL RATTAN SINGH**

Present: Mr. Dheeraj Mahajan, Advocate,  
for the petitioner.

Mr. Sidakmeet Singh Sandhu, AAG, Punjab.

**AMOL RATTAN SINGH, J. (Oral)**

Case heard by video conference.

On 24.02.2021, the following order had been passed:-

“Case heard via video conferencing.

By this petition, the petitioner seeks the concession of anticipatory bail, upon FIR no.9, dated 5.2.2021, having been registered at Police Station Anandpur Sahib, District Rupnagar, alleging therein the commission of offences punishable under Sections 454/354/506 of the IPC.

Learned counsel for the petitioner submits that the entire allegations against the petitioner are cooked up, he being a 51 year old person with two daughters, and it being unbelievable that he would enter his neighbours' house at night to try and molest her in such circumstances, with the actual reason for the allegation being that there is a dispute regarding the boundary of the fields of the two parties, who are neighbours even in such fields.

Notice of motion.

Mr.Ramdeep Partap Singh, learned DAG, Punjab, accepts notice at the asking of the court, with Mr.Raj Karan Singh Verka, Advocate, appearing for the complainant.

Mr.Verka submits that as a matter of fact there is no boundary dispute and other neighbours also corroborated the allegations of the complainant and consequently, there would be no reason for the complainant to falsely implicate the petitioner.

Learned counsel for the State submits that notice of motion having been issued today only, he has received no instructions in the matter.Mr.Mahajan on the other hand submits that as regards the other two persons who are stated to have corroborated the story of the complainant, one of them, as per his instructions, is a relative of the complainant, and the

other is simply siding with her on account of “party faction” in the village.

Without making any comment on the actual merits of what has been contended on either side, the petitioner is directed to join investigation within one week and upon him so joining if he is sought to be arrested, he shall be released on bail, on his furnishing adequate bail and surety bonds to the satisfaction of the arresting officer/Ilaqa Magistrate.

He shall also comply with all conditions stipulated in Section 438(2) of the Cr.P.C.

If the investigating officer does not actually join the petitioner in investigation, he would appear before the learned Ilaqa Magistrate immediately, who would then summon the arresting officer and direct him to join him in investigation, in terms of the order of this court.

Adjourned to 9.4.2021.”

Today, at the outset learned counsel for the petitioner submits that it has been erroneously stated in the second paragraph of that order that the petitioner has two daughters; whereas he is 51 years old and has three sons of marriageable age and in fact it is the complainant who has two daughters, which is what he had argued and is also so stated in this petition, with the counsel for the complainant also being present in court on that date and obviously not having objected to the argument of counsel for the petitioner because he had argued only as above.

Be that as it may, today learned State counsel, on instructions from ASI Harbans Singh, submits that the petitioner has joined investigation and presently at least his custodial interrogation is not required, nothing having to be recovered from him.

That being so, without making any comment on the actual merits of the case, this petition has actually been rendered infructuous and is disposed of as such.

However, if the petitioners' custodial interrogation is required at any stage hereinafter, in the context of the FIR in question, he would be given

10 days notice before arrest, duly shown to be served upon him.

Naturally, if the complainant is aggrieved in any manner, of lack of proper investigation, he would be always at liberty to avail of his remedy as per law.

**July 01, 2021**

dharamvir/

**(AMOL RATTAN SINGH)**  
**JUDGE**

Whether speaking/reasoned : YES/NO

Whether Reportable : YES/NO