

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(202-A)

CRM-M-22490-2021
Date of decision:- 11.11.2021

Babu Deen

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Manoj Kumar Sharma, Advocate for the petitioner.

Mr. Prabhjot Singh Walia, AAG, Punjab.

...

SUVIR SEHGAL, J. (Oral)

Instant petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 seeking anticipatory bail in case FIR No.0093 dated 03.05.2021 under Sections 323, 324, 354 and 34 of the Indian Penal Code, 1860 (Section 326, IPC was added later on vide DDR No.27 dated 06.05.2021), registered at Police Station Model Town, Hoshiarpur, District Hoshiarpur.

As per the case of the prosecution, FIR, Annexure P-1, has been registered on the statement of Seema on the allegation that on 22.01.2021 at about 07:00 P.M., her brother-in-law, Kalu, Ali Mohamad @ Aalu, her aunt, mother-in-law, Jameela and her husband, Babu Deen (present petitioner), came to her house and started untethering the buffaloes and when the complainant tried to intervene, there was a scuffle and Kalu gave a *datar* blow on the arm of the complainant, Ali Mohamad @ Aalu inflicted a stick blow on the back of the complainant, and Jameela and her husband, Babu

Deen (present petitioner), dragged her. It has been alleged that Ali Mohamad @ Aalu tore off her suit and on noticing that her husband has reached back, the assailants fled away from the spot.

Counsel for the petitioner submits that the allegation against the petitioner is of dragging the complainant and neither the allegation attracting offence under Section 326, which has been added subsequently nor offence of outraging the modesty under Section 354, IPC has been attributed to the petitioner. He submits that in compliance of order dated 08.06.2021, the petitioner has joined the investigation.

Heard.

While granting interim protection to the petitioner, this Court passed the following order on 08.06.2021:-

“Learned counsel contends that the similarly situated co-accused, namely, Jameela (wife of the petitioner) has been extended the concession of interim pre-arrest bail vide order dated 07.06.2021. He has produced the copy of the said order.

Notice of motion for 11.11.2021.

Meanwhile, the petitioner shall join the investigation and would come present as and when called for and in the event of arrest, the petitioner shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C.

To be heard along with CRM-M-22378-2021.”

Interim bail granted to co-accused, Jameela, in CRM-M-22378-2021 has been made absolute by an order passed by this Court on even date.

Learned State counsel, upon instructions, from ASI, Charanjit Singh affirms the fact that the petitioner has joined the investigation. He has further instructions to state that he is no longer required for custodial interrogation.

In view of the above facts, but without commenting on the merits of the case, the present petition is allowed. Order dated 08.06.2021 is made absolute, subject to the conditions laid down in Section 438 (2) of the Code of Criminal Procedure.

11.11.2021
Kamal

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No