

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

**CRM-M-23653 of 2021
Date of Decision: 21.06.2021**

Shankar Kumar @ Shankar

Petitioner

Versus

State of Punjab

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Kanwaljeet Singh, Advocate for the petitioner.
Ms. Monika Jalota, DAG, Punjab.

AVNEESH JHINGAN, J (Oral):

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

This is a petition seeking anticipatory bail in FIR No. 58 dated 24.5.2021, under Sections 354, 379, 506, 427, 148 and 149 IPC, registered at Police Station Daba, District Police Commissionerate Ludhiana.

The FIR was at the instance of Komal wife of Mohit Bhagat. She stated that on 23.5.2021, at about 9.30 PM, she along with her husband went out for a walk when the petitioner and other accused were standing in the street. The accused namely Happy started making video of the complainant from behind. On raising objection, the accused started abusing them and started immoral act. The allegations are that one of the accused- Joga Singh touched the breast of the complainant.

Learned counsel for the petitioner submits that no role has been attributed to the petitioner. It is a case of false implication. He relies upon the order dated 3.6.2021 whereby co-accused Vicky Singh has been granted bail by the court below.

Learned counsel for the State, appearing on advance notice, submits that all the accused were together. They passed indecent remarks

and it was due to their act that the alleged incident occurred. She further submits that the co-accused have been granted regular bail whereas prayer in the present petition is for anticipatory bail.

From the facts of the case, it is evident that no specific role has been attributed to the petitioner. The specific allegations if any were against Happy and Joga Singh. Considering that the co-accused have already been granted bail, it is not a fit case to deny personal liberty of the petitioner, the petitioner is granted anticipatory bail subject to his joining investigation within two weeks. In the event of arrest, the petitioner shall be released on bail subject to his furnishing adequate bail bond to the satisfaction of the Investigating Officer. He is directed to join the investigation as and when called upon. He shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

The petition is allowed.

In case of failure of the petitioner to join the investigation, the State would be at liberty to file an application for re-calling of this order.

[AVNEESH JHINGAN]
JUDGE

21st June, 2021
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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |