

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

211

**CRM-M-24163-2021
Date of decision: 17.11.2021**

Lakhwant Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Tarun Aggarwal, Advocate and
Mr. Onkar Singh Batalvi, Adocate
for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab
for the respondent-State.

Mr. Gagandeep Singh Simble, Advocate
for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

The present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.106, dated 03.06.2021, under Sections 376 and 506 IPC, registered at Police Station Civil Lines, Batala.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case in hand, on account of civil dispute between the parties. It has been further submitted that in fact, the FIR in question has been registered as a counter-blast to the civil suit, which was filed way back on 25th September, 2020 with respect to a family property dispute which was much prior in time to registration of the FIR in question. Learned counsel has further submitted that the prosecutrix refused to get herself medico legally examined after the alleged occurrence, which in turn lends credence to

his false implication. Learned counsel has further submitted that in compliance of order dated 22.07.2021, passed by this Court, the petitioner has joined investigation.

Learned State counsel on instructions from the investigating officer submits that in compliance of order dated 22.07.2021, the petitioner has joined investigation and his custodial interrogation is not required in the case.

Learned counsel for the complainant has opposed the prayer and submissions made by counsel opposite by urging that there were serious allegations against the petitioner of blackmailing the prosecutrix. He has submitted that a complaint was given against the petitioner prior to the registration of the FIR, however, due to jurisdictional error it was sent to Batala and it was then the FIR in question came to be registered.

A pointed query was put to learned State counsel as to whether the prosecutrix had declined her medical examination to which he replied in the affirmative.

In view of the facts and circumstances as enumerated hereinabove, the petition is allowed and interim order dated 22.07.2021, is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C.

17.11.2021

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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