

In virtual Court

CRM-M-31104-2021

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-31104-2021 (O&M)
Date of decision: 06.10.2021

Arjun

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. P.S. Ahluwalia, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of anticipatory bail in FIR No.90 dated 22.06.2021 under Sections 365, 379-B, 379, 324, 323, 148, 149 IPC, registered at Police Station Ferozepur, District Ferozepur.

On 05.08.2021, following order was passed by this Court: -

“...Learned counsel for the petitioner submits that as per allegations in the FIR registered at the instance of complainant-Ravinder who is Constable in Railway Police, it is stated that two persons were seen bringing iron and wooden windows on their shoulders and on seeing the complainant they turned towards the house of the petitioner-Arjun and they have assaulted the

complainant.

Learned counsel for the petitioner further submits that it is further stated in the FIR that the incident took place at around 10:30 PM and the complainant being a Constable in Railway Police followed them by clicking their photographs on his mobile. In the meantime, they had thrown the windows on the small trolley attached to the motorcycle standing in front of the house of the petitioner and he gave this information to his office. Thereafter, they came out and started fighting with him and snatched his mobile phone and he was taken inside the house and as the light was on, he could identify these persons as Binny, Vinay sons of Arjan and Makhan (Ramesh) and Vinay snatched his mobile phone and gave it to his wife and when he went ahead to take his phone, Vinay's mother started slapping on his face. Then the petitioner attacked on his head with some sharp iron thing, which hit on his left eye and all of them collectively gave him fist blows and in that process, his gold chain was also taken. It is further stated that the incident took place because the complainant had clicked the photographs of the petitioner and his sons, having suspicion that they are carrying some stolen articles with them.

Learned counsel for the petitioner further submits that the Court of Additional Sessions Judge, Ferozpur though granted anticipatory bail to two of the co-accused namely Seeta w/o petitioner and Bindu w/o his son Vinay, however, the said relief

has been declined to the petitioner on the ground that he has caused injury to the complainant.

Learned counsel for the petitioner as well as learned State counsel has shown a video clipping in which, the complainant was shown to be wearing an underwear and vest which was partly torn. Even some of the police officials were present and in the presence of the police officials, the complainant has tried to molest the daughter-in-law of the petitioner, who was shouting for help.

Learned counsel for the petitioner further submits that even in case, the complainant being a Constable in Railway Police has any suspicion of keeping some stolen articles, had no authority to enter the house of the petitioner at 10:30 PM as he could have informed the police, which indeed reached later on, when he made a call for help.

Learned counsel for the petitioner further submits that looking at the video, it is apparent that the complainant was not even properly dressed up and was seen misbehaving with the ladies of the family of the petitioner.

Learned counsel for the petitioner further submits that three persons including two ladies from the side of the petitioner have also suffered injuries as the complainant gave fist blows to them. Learned counsel for the petitioner further submits that the video is very clear that the complainant has molested the daughter-in-law of the petitioner at odd hours, despite the fact that the other police

officials were trying to take him away from the house and the manner in which, the complainant is behaving with the ladies is a disturbing event.

Notice of motion.

Mr. Joginder Pal Ratra, DAG, Punjab, who is also appearing through video conferencing, accepts notice on behalf of the respondent-State and filed the MLR of the victim. However, it is silent whether the complainant was under influence of any intoxicant or not.

List again on 06.10.2021.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.

In the meantime, IG of Ferozpur range, is directed to depute a senior police official, who will verify the contents of the video as well as the MLRs regarding the injury sustained by the side of the petitioner including two ladies as well as from the complainant's side and will submit a report whether it was the complainant himself who trespassed into the house of the petitioner and committed the offence of molesting with one of the young lady."

Learned counsel for the petitioner submits that in pursuance of the

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aforesaid order, the petitioner has joined the investigation and is no more required for further investigation.

Learned State counsel, on instructions from SI Charanjit Singh, SHO, Police Station Sadar Ferozepur, District Ferozepur, has not disputed the factual position.

With regard to the directions given to Inspector General of Police, Ferozepur Range, to verify the contents of the video as well as MLR regarding injuries sustained by petitioner's side, including two ladies, learned State counsel, on instructions from SI Charanjit Singh, submits that cross-case/DDR No.33 dated 28.09.2021 under Section 354 IPC has been registered at Police Station Sadar Ferozepur against Ravinder Kumar, Constable in RPF.

In view of the above, this petition is allowed and the interim bail granted to the petitioner vide order dated 05.08.2021 is made absolute subject to the conditions envisaged under Section 438 (2) Cr.P.C.

**[ARVIND SINGH SANGWAN]
JUDGE**

06.10.2021
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No