

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CRM-M No.32704 of 2021 (O&M)

Date of Decision:13.08.2021

(Heard through VC)

Lovedeep Handa

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Kamal Narula, Advocate
for the petitioner.

Mr. A.S. Gill, Sr. DAG, Punjab.

Mr. Manjinder Singh Saini, Advocate
for the complainant.

JAISHREE THAKUR, J. (ORAL)

This is second petition that has been filed for grant of anticipatory bail to the petitioner in FIR No.45 dated 22.05.2021 under Sections 498-A, 406, 506 IPC registered at Police Station Mamdot, District Ferozepur.

Counsel for the petitioner would contend that the petitioner has been falsely implicated in the said matter, as would be evident from the fact that there is no specific allegation for demand of dowry in the said FIR neither any MLR has been brought forth to corroborate the allegation of beating. The petitioner had been granted interim bail by the Addl. Sessions Judge, Fast Track, Ferozepur vide order dated 09.07.2021 in the said matter, however, the petitioner could not join the investigation owing to registration of another FIR bearing No.62 dated 07.07.2021 under Sections 452, 324,

323, 336, 148, 149 IPC and Sections 25, 27, 54, 59 of the Arms (Section 326 IPC added later on) at the instance of the complainant and taking into consideration the said fact, the Addl. Sessions Judge, dismissed the application for anticipatory bail vide order dated 22.07.2021. It is further contended that in order to harass the petitioner and his family members, another FIR has been registered by stating that petitioner along with other persons attacked upon house of the complainant and caused injuries to her. In fact, the said FIR has been registered after a delay of 3 days only with the sole purpose to frustrate the concession of interim bail granted to the petitioner. The petitioner is ready and willing to join investigation and therefore, seeks concession of anticipatory bail.

Notice of motion.

Mr. A.S. Gill, Sr. DAG, Punjab, who is present through the medium of video conferencing, accepts notice on behalf of the respondent and would submit that after lodging of the first FIR, the petitioner along with other persons attacked upon the complainant with sharp edged weapon and caused grievous injuries to her. The investigation under the second FIR is underway and custodial interrogation of the petitioner would be required, therefore, he is not entitled for concession of interim bail.

At this stage, Mr. Manjinder Singh Saini, Advocate appears on behalf of the complainant and sent some photographs on the whatsapp group to show that after lodging of the first FIR, the petitioner herein entered into the house of the complainant forcibly and caused grievous injuries to her and therefore, prays for dismissal of the instant petition.

I have heard learned counsel for the parties and have perused the paper book. After lodging of first FIR against the petitioner on

22.05.2021, he forcibly entered into the house of the complainant and caused grievous injuries to her, pursuant to which second FIR has been registered against the petitioner on 07.07.2021. The petitioner apparently entered into the house of the complainant forcibly and caused her severe injuries as would be evident from the photographs shown by the counsel for the complainant on whatsapp group. The investigation in the second FIR is at initial stage, therefore, custodial interrogation of the petitioner would be required and if he is granted concession of anticipatory bail, he may hamper the investigation proceedings. Resultantly, the instant petition stands dismissed.

August 13, 2021
Pankaj*

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No