

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

**CRM-M-35978-2021
Date of decision: 09.12.2021**

Balwinder Singh alias Sabha Mantri

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mrs. G. K. Mann, Sr. Advocate with
Mr. Gursewak Singh, Advocate &
Mr. Sunil Kumar, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab &
Ms. Monika Jalota, DAG, Punjab.

Mr. M. S. Bajwa, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR No. 0088 dated 26.07.2021, registered under Sections 365, 323, 355, 506, 149 of the IPC; Section 27 of the Arms Act, 1959 and Section 66 (E) of the Information Technology Act, 2000 at Police Station Sultanwind, District Police Commissionerate Amritsar.

The operative part of the order dated 02.09.2021, vide which the petitioner has been granted interim bail, is reproduced below:

“Learned senior counsel for the petitioner has argued that as per the allegations in the FIR, registered on the statement of Dilbagh Singh, he is working as a goldsmith and on 02.07.2021, the co-accused Bikramjit Singh @ Happy and the petitioner – Balwinder Singh, come to his house and abused him and gave threats to kill him. The said incident was recorded by his wife. Thereafter, when the people of the area

gathered, they left the house. It is further alleged in the FIR that on the same day at about 05:00 PM, when was going to his house, the petitioner Balwinder Singh came in his vehicle along with Bikramjit Singh @ Happy and his son Manpreet Bony and one Sabha Mantri, and they took him to the house of Bikramjit Singh @ Happy where the petitioner showing him his fire-arm asked him to remove his clothes. Manpreet Bony made a video and twisted his arm. Thereafter, Bikramjit Singh @ Happy urinated in his mouth and also slapped him.

Counsel for the petitioner has further submitted that in the first video only a verbal spat was seen between the parties and in the second video, the petitioner was not seen and it is only with regard to giving slaps by Bikramjit Singh @ Happy and others. Learned senior counsel for the petitioner has also submitted that the occurrence is of 02.07.2021 whereas the FIR was registered after 25 days by making improvements. It is also submitted that only Sections 365 IPC and 27 of the Arms Act, are non-bailable and the allegations are made in a manner, to make it more grievous.

Notice of motion.

Mr. Joginder Pal Ratra, DAG, Punjab, who is appearing through video conferencing, accepts notice on behalf of the respondent – State and could not dispute the factual position and argued that the second video was prepared by the petitioner and that is why he was not seen in the video, however, on a Court query whether any obscene material has come in the video regarding the allegation of undressing the complainant. Counsel for the State also could not dispute that in the video there is no such recording.

List again on 09.12.2021.”

Learned counsel for the petitioner submits that the petitioner, in pursuance to the order dated 02.09.2021, has already appeared before the SHO/Investigating Officer and has joined the investigation.

Learned counsel for the State, on instructions from SI Sukhpal Singh, assisted by learned counsel for the complainant, has not disputed the

factual position and submits that the petitioner has joined the investigation and is no more required for any further investigation.

In view of the above, the petition is allowed and the interim bail granted to the petitioner, vide order dated 02.09.2021, is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

09.12.2021

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No