

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

**CRM-M-38200-2021
Date of decision: 09.12.2021**

Balwinder Singh

...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 and
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 15.09.2021, vide which the petitioner has been granted interim bail, is reproduced below:

“Learned counsel for the petitioner(s) relies upon the order dated 02.09.2021 passed by this Court, vide which, the co-accused Balwinder @ Sabha Mantri was granted concession of anticipatory bail.

The operative part of the order dated 02.09.2021, vide which interim anticipatory bail has been granted to the co-accused Balwinder @ Sabha Mantri, is reproduced as under:-

“....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”.

Learned senior counsel for the petitioner-Balwinder Singh submit that the only allegation against the petitioner is that he has shown the pistol to the complainant and further asked him to remove his cloth, whereas, learned counsel for the

petitioner-Manpreet Singh @ Bony submit that the allegation against him is that he has prepared the alleged video.

The learned State counsel has shared a video on the whatsapp group of the Court in which an old man namely Bikramjit Singh @ Happy has given two slaps to the victim and there is no such video in which the victim was seen either without cloths and some one regarding asking him to remove the cloths.

The counsel for the complainant has however submitted that there is another video which has not been shown by the petitioner(s).

Adjourned to 09.12.2021.”

Learned counsel for the petitioner submits that the petitioner, in pursuance to the order dated 15.09.2021, 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 15.09.2021, 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