

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-42765-2020 (O&M)
Date of decision: 10.02.2021

Kamal Veer

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. H.S. Mann, 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.146 dated 02.11.2020 under Sections 354, 452, 323, 34 IPC, registered at Police Station Moonak, District Sangrur.

On 18.12.2020, following order was passed by this Court: -

“The case has been taken up for hearing through video-conferencing.

Learned counsel for the petitioner contends that the alleged first occurrence took place on 24.10.2020 in which the petitioner

allegedly teased the complainant. On seeing the family members of the complainant, petitioner fled away from the site. On the next date i.e. 25.10.2020, the complainant and her husband came to the house of the petitioner for making complaint, then mother of the petitioner namely Kasturi Devi and his sister Pooja Kaur started abusing them and scuffled with them. The complainant was rescued by her husband and they came back home. Thereafter, husband of the complainant left the house for doing some work and the complainant was alone at her house. At about 1 PM, petitioner, Roshan Singh, Pooja Kaur and Kasturi Devi entered in the house duly armed with dandas. They bolted the gate of complainant from inside and inflicted injuries to the complainant. Learned counsel further contends that in the FIR itself, ASI has recorded that as per statement and medico legal report of complainant, no offence is found to have been committed in respect of alleged molestation and giving beatings by entering in the house of the complainant. The occurrence was found to be suspicious. In the MLR of complainant, three injuries were found in the form of complaint of pain over left thigh, pain over skull over left side and minor abrasion over right forearm near wrist joint.

On the other hand, as per MLR of Pooja Kaur i.e. sister of the petitioner, injuries are on the private part.

By referring to aforesaid facts, learned counsel submits that the occurrence has not taken place in the manner as suggested by the complainant.

Notice of motion for 10.02.2021.

Till the next date of hearing, arrest of the petitioner shall remain stayed.”

Learned counsel for the petitioner submits that in fact, on account of causing injury to sister of the petitioner, who was molested by the

complainant side, present FIR has been registered as a counter-blast. It is further submitted that as per the MLR, all the injuries are caused by blunt weapon and the petitioner is ready to join the investigation.

Learned State counsel has not disputed the factual position.

After hearing learned counsel for the parties and considering the aforesaid submissions, this petition is allowed and the petitioner is granted anticipatory bail subject to the conditions envisaged under Section 438 (2) Cr.P.C.

It will be open for the Investigating Officer to call the petitioner in police station, if he is required for joining the investigation, by issuing an advance notice in writing.

[ARVIND SINGH SANGWAN]
JUDGE

10.02.2021
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No