

206

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.44404 of 2020(O&M)
Date of Decision: 23.02.2021

Baljit Singh

.....Petitioner

Vs

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Rahul Bhargava, Advocate
for the petitioner.

Mr. M.S. Nagra, AAG, Punjab.

RAJ MOHAN SINGH, J.(Oral)

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

The petitioner seeks grant of anticipatory bail in case bearing FIR No.332 dated 09.12.2020 registered under Sections 354, 354-B and 506 IPC at Police Station Chattiwind, District Amritsar Rural.

Notice of motion was issued on 31.12.2020 and thereafter, following order was passed on 07.01.2021:-

“The learned counsel for the petitioner has inter alia submitted that the petitioner has been falsely implicated in the present case. He has further submitted that a bare perusal of the FIR would show that there are vague allegations. He has further

submitted that the alleged occurrence took place on 01.12.2020 whereas the present FIR has been lodged after a delay and on 09.12.2020. While referring to the reason of implicating the petitioner in the FIR, the learned counsel for the petitioner submitted that it was the result of the dispute between husband of the complainant and the petitioner and in fact in the year 2017, a compromise had already taken place with regard to the same but thereafter, again when the dispute arose then due to the vengeance, the present false FIR has been lodged against the petitioner. Notice in this petition was issued to the State on 31.12.2020 to seek instructions in this regard.

The learned counsel for the State has submitted that the investigation in the present case is still going on and the statement of Davinder Singh, who had seen the alleged occurrence, was also recorded under Section 161 Cr.P.C. However, in this case no recovery is to be effected from any witness.

Let the State file its affidavit/reply before the next date of hearing in this regard.

Adjourned to 23.02.2021.

In the meantime, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal/surety bonds 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.

**(JASGURPREET SINGH PURI)
JUDGE”**

07.01.2021
adhikari

A reply has been filed by way of affidavit of Baldev Singh, PPS, Deputy Superintendent of Police, Headquarter, Amritsar Rural, mentioning some incriminating facts.

Despite filing the aforesaid status report by the Investigating Officer, learned State counsel on instructions from SI Rajinder Pal submits that the petitioner has joined the investigation and his presence is no more required in any further investigation of the case.

Evidently, the occurrence took place on 01.12.2020 and FIR came to be lodged only on 09.12.2020. According to the learned counsel for the petitioner, the petitioner has been falsely implicated, due to the reason that earlier there was a dispute between the husband of the complainant and the petitioner in the year 2017, which was amicably resolved by way of compromise dated 11.08.2017, but thereafter again the dispute arose and the present FIR was registered.

Since the petitioner has already joined the investigation and Investigating Officer does not require custody of the petitioner anymore, therefore, I deem it appropriate to make the order dated 07.01.2021 absolute. However, petitioner shall keep

on joining the investigation as and when required to do so and shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

Petition stands disposed of.

February 23, 2021

Prince

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No