

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

101+208

**CRM-M-184-2021 (O&M)
Date of decision: 17.02.2021**

Boota Singh	Versus	Petitioner
State of Punjab and another		Respondents

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Ms. Srishti Sidhana, Advocate
for the petitioner.

Mr. P.S. Walia, Asstt. A.G., Punjab
for the respondent-State.

Mr. Harsh Raheja, Advocate
for respondent No.2-complainant.

ARUN KUMAR TYAGI, J. (ORAL)

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

CRM-2756-2021

Prayer in this application is for adding Section 376-D of the Indian Penal Code, 1860 (for short, "the IPC") in the head note and prayer clause of the petition.

Learned State Counsel and learned Counsel for respondent No.2-complainant have no objection if the application is allowed.

In view of the facts and circumstances of the case and no objection, the application is allowed and Section 376-D of the IPC is allowed to be added in the head note and prayer clause of the petition.

The Registry of this Court is directed to carry out the necessary correction in the head note and prayer clause of the petition.

CRM-M-184-2021

The petitioner has filed this petition under Section 438 of

the Code of Criminal Procedure, 1973 (for short, "the Cr.P.C") for grant of anticipatory bail in case FIR No.5 dated 29.01.2020 registered under Sections 354, 354B, 452 and 323 read with Section 34 of the IPC at Police Station Lakho Ke Behram, District Ferozepur to which Sections 376, 376-D and 511 of the IPC were added lateron.

The petition has been opposed by the learned State Counsel in terms of status report filed by way of affidavit of Ravinder Singh, PPS, Deputy Superintendent of Police, Guruharsahai, District Ferozepur.

The petition has also been opposed by respondent No.2-complainant. However, no reply has been filed by respondent No.2-complainant.

I have heard learned Counsel for the petitioner, learned State Counsel and learned Counsel for respondent No.2-complainant and have gone through the record.

Learned Counsel for the petitioner has submitted that the petitioner has been falsely implicated in the case which is counter-blast to the FIR which was got registered by Usha Rani. The FIR was got registered due to dispute between Lal Singh and his brother Dayal Singh which has now been compromised. Respondent No.2-complainant has admitted in her affidavit that the above said FIR was got registered due to some misunderstanding. The petitioner is ready to join the investigation and he may be granted anticipatory bail as his custodial interrogation is not required in the case.

On the other hand, learned State Counsel has submitted that in view of the nature of accusation and gravity of the offences, the

petitioner does not deserve grant of regular bail. Therefore, the petition may be dismissed.

Learned Counsel for respondent No.2-complainant has not disputed the genuineness of the affidavit of respondent No.2/complainant and has submitted that respondent No.2-complainant has no objection if the petitioner is granted anticipatory bail.

In view of the facts and circumstances of the case, nature of accusation against the petitioner, affidavit of the complainant Manjit Kaur, custodial interrogation of the petitioner not being necessary in the case, and there being no material to justify the apprehension of the petitioner fleeing from justice or tampering with evidence or criminally intimidating the prosecution witnesses, but without expressing any opinion on the merits of the case, I am of the considered view that the petitioner deserves the grant of anticipatory bail.

In view of the above, the petition is allowed and the petitioner is directed to join the investigation as and when called upon to do so. In the event of his arrest, the petitioner shall be released on anticipatory bail by the arresting officer/investigating officer on furnishing of bail bonds by him to the satisfaction of the arresting officer/investigating officer. The petitioner shall abide by the conditions enumerated in Section 438 (2) of the Cr.P.C., failing which the protection of anticipatory bail order shall not be available to him.

17.02.2021

Vinay

(ARUN KUMAR TYAGI)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No