

**208 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-5240-2020 (O&M)
Date of Decision: 01.08.2022

PRITPAL SINGH

VS.

STATE OF PUNJAB

... PETITIONER

.. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Neeraj Jain, Advocate, for the petitioner.

Ms. Bhavna Gupta, AAG, Punjab.

Mr. Vidit Bansal, Advocate, for the complainant.

VIVEK PURI, J.(ORAL)

The petitioner is seeking anticipatory bail in case bearing FIR No.65 dated 31.05.2019 under Sections 452/323/506/148/149 IPC, Sections 452/148/149 IPC were deleted later on and Sections 316/325/354 IPC were added later on, registered at Police Station Meharban, District Ludhiana.

Briefly, the allegations against the petitioner are to the effect that on 25.05.2019, the petitioner alongwith the co-accused, namely, Amrik Singh and Malkiat Ram committed trespass in the house of the complainant, who was in family way. Injuries were inflicted upon her. Thereafter, the aforesaid persons alongwith Malkiat Ram and Deputy had inflicted injuries upon the person of the husband of the complainant.

On 06.02.2020, the following order was passed:-

“Heard.

Notice of motion for 18.05.2020.

In the meanwhile, the petitioner is directed to join the investigation within a period of one week and on his doing so, the petitioner be released on interim bail, subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall continue to join the investigation as and when called upon to do so and shall abide by the conditions incorporated under Section 438(2) Cr.P.C.”

Learned counsel for the petitioner contends that in pursuance of interim directions issued by this Court, the petitioner has joined the investigation and furthermore all the co-accused, namely, Amrik Singh, Hakam Singh, Malkiat Ram and Deputy have been found to be innocent.

Learned State counsel, on instructions from ASI Arun Kumar, has not assailed the aforesaid factual aspects and further contends that the custodial interrogation of the petitioner is not required.

However, learned counsel for the complainant has opposed the bail application on the score that subsequently the offence under Section 316 IPC has also been added. Moreover, the petitioner alongwith others had committed trespass in the house of the complainant regarding which the matter was also reported to the police. However, he has not disputed the fact that on the basis of said complaint, the proceedings under Sections 107 and 151 Cr.P.C. have been initiated against both the parties.

The petitioner is the brother-in-law (*jeth*) of the complainant. It has been pointed out that the miscarriage took place after about six days from the occurrence. It will be a debatable and moot point as to whether the miscarriage was on account of any injury which has been inflicted at the time of occurrence. The petitioner has joined the investigation and his custodial interrogation is not required. Moreover, the co-accused have been found to be innocent during the course of investigation. As such, sufficient exceptional circumstances are made out to extend the concession of pre-arrest bail to the petitioner. Accordingly, order dated 06.02.2020, vide which the petitioner has been granted interim bail, is made absolute.

Petition is allowed.

01.08.2022

smriti

(VIVEK PURI)

JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No