

CRM-M-6631-2022

Date of Decision:- 11.11.2022

ELAIYARAJA RAJENDRA

...Petitioner

Verses

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present: Mr. Sandeep Arora, Advocate for the petitioner.

Mr. R.S. Khaira, DAG, Punjab.

AMARJOT BHATTI, J. (Oral)

This petition has filed under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.239 dated 30.10.2021 under Sections 354-B, 323 IPC of 1860 registered at Police Station Rama Mandi, Jalandhar.

The brief facts of the case are:

Present FIR has been registered on the statement of Ruku wife of Shivraj alleging that she is running a shop in Mohalla Madrasi for sale of idly and Elaiyaraja alias Motia is running the business of sale of illicit liquor adjoining to her shop. People come to consume liquor and used to pass comments to the girls. On the day of occurrence i.e. 25.10.2021, when she came to the shop, the petitioner started abusing her. When she tried to stop him he caught hold of her hair and started dragging her. His brother Shankar and sister Malika also came there and started beating her and also torn her clothes and insulted her. They also threatened to kill her. With these allegations, present FIR has been registered.

Learned counsel for the petitioner argued that all the allegations against him are false. This false case has been registered due to business

rivalry. In fact the petitioner had to go to his parental house at Katpadi by train from Jalandhar on 29.10.2021. The FIR has been registered in his absence. He is ready to join the investigation. It is prayed that his anticipatory bail application may be allowed. Bail application is opposed by the counsel representing the State.

I have considered the arguments and the record produced by the State. As per the facts narrated above, firstly the altercation took place and then there was a scuffle in which it is claimed by the complainant that she was beaten up and her clothers were torn. I have also gone through the MLR, according to which she suffered two injuries that is complaint of pulling of hair and no mark of injury. Secondly pain in lower abdomen with no mark of injury. There is no weapon of offence used in the occurrence. The applicant is ready to join the investigation.

Considering the aforesaid facts without expressing my mind on the merits of the case, the anticipatory bail application filed by the petitioner is allowed. He is ordered to be relased on bail to the satisfaction of Illaqa Magistrate/Duty Magistrate, subject to the conditions imposed under Section 438 (2) Cr.P.C.

11.11.2022

neelam

Whether speaking /reasoned
Whether Reportable

Yes/No
Yes/No

(AMARJOT BHATTI)
JUDGE