

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-17879-2022 (O&M)

Date of Decision:-29.4.2022

Kulwant Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Gurpreet Singh Dhillon, Advocate for the petitioner.

Mr. Tanvir Joshi, AAG, Punjab.

Mr. Gopal Singh Nahel, Advocate for the complainant.

GURVINDER SINGH GILL, J.(Oral)

1. This is the second petition filed on behalf of the petitioner seeking grant of anticipatory bail in a case registered vide FIR No.0087 dated 5.12.2021, Police Station Sadar Kurali, District S.A.S. Nagar, under Sections 379-B, 323, 353 and 186 of Indian Penal Code.
2. Vide order dated 14.2.2022 passed in CRM-M-52660 of 2021 the first petition filed on behalf of the petitioner seeking grant of anticipatory bail was dismissed on merits by passing an order in detail.
3. Learned counsel for the petitioner submitted that there has been a change in circumstances inasmuch offence under Section 379-B IPC stands deleted and that infact even the victim Kuldeep Kaur has now furnished an affidavit to the effect that the FIR infact came to be lodged on account of some misunderstanding and it is a case where the petitioner at the time of

occurrence was defending himself against another Police Officer and Kuldeep Kaur herself.

4. I have considered aforesaid submissions.
5. The mere fact that one of the offence has been deleted would not entitled the petitioner to grant of anticipatory bail inasmuch even the other offences are equally serious i.e. offence under Sections 353 and 186 of Indian Penal Code, particularly when the same have been committed by a member of the disciplined force himself.
6. As far as the contention of the petitioner regarding Kuldeep Kaur having furnished an affidavit giving a clean chit to the petitioner is concerned, this Court finds that even when the previous petition was dismissed on 14.2.2022, the petitioner had come out with a similar plea regarding Kuldeep Kaur having “clarified” in some application regarding a false case having been foisted against the petitioner. The petitioner being a Police Officer, it cannot be ruled out that he may have been able to intimidate the victim. This Court tends to observe so particularly in view of the fact that there is record to the effect that the victim had made a phone call at Helpline phone number 112, which is a helpline for offences against women and infact the occurrence also stands recorded in CCTV cameras.
7. In view of the aforesaid discussion, particularly the fact that this is a second petition for grant of anticipatory bail, this Court does not find any ground for grant of same. The petition is sans merit and is hereby dismissed.

29.4.2022

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned
Whether Reportable

Yes / No
Yes / No