

211 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-17597-2022
Date of Decision: 04.08.2022

BHANU PARTAP SINGH ... PETITIONER
V/S
STATE OF PUNJAB ... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Gaurav Partap Singh Pathania, Advocate for the petitioner.
Ms. Ruchika Sabherwal, AAG Punjab.

* * *

VIVEK PURI, J. (ORAL)

On 28.04.2022, following order was passed:

“Petitioner is seeking anticipatory bail under Section 438 Cr.P.C in the case bearing FIR No. 03 dated 11.01.2022, under Sections 452/354/323/148/149 IPC, 1860, registered at Police Station Sadar Pathankot, District Pathankot.

Briefly, the aforesaid FIR has been registered on the basis of the statement of the complainant alleging that on 01.01.2022 at about 03:30 PM, the petitioner along with the co-accused entered the house, inflicted injuries upon her family members and the shirt of daughter was torn off.

Learned counsel for the petitioner contends that there is a delay of 10 days in lodging the FIR, there is a dispute with regard to the partition between the parties, it becomes debatable as to whether the offence under Section 452 IPC is made out or not, the opinion with regard to the injury on the person of Raghuvir Singh has not yet been procured, the co-accused namely Dharam Singh, Abhishek Salaria @ Chetu and Neha have been granted pre-arrest bail by this Court and it sounds improbable that the petitioner could have outraged the modesty of the niece of his sister in her presence.

Notice of motion.

Ms. Ruchika Sabherwal, AAG, Punjab accepts notice on behalf of the respondent-State.

Meanwhile, the petitioner shall join the investigation and would come present as and when called for and in the event of arrest, the petitioner shall be admitted to interim bail on his furnishing personal and surety bonds to the

satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C.

Adjourned to 04.08.2022.”

Learned counsel for the petitioner contends that in pursuance of the interim directions issued by this Court, the petitioner has joined the investigation.

Learned State counsel, on instructions from ASI Premnath, has not assailed the aforesaid factual aspect of the case and further submitted that the custodial interrogation of the petitioner is not required.

In these set of circumstances, sufficient exceptional circumstances are made out to extend the concession of pre-arrest bail to the petitioner. The order dated 28.04.2022 is made absolute.

The petition stands allowed.

04.08.2022

Janki

(VIVEK PURI)
JUDGE

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