

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(222-1)

CRM-M-24262-2022
Date of decision:- 09.11.2022

Amritpal Singh @ Gaggi

... Petitioner

Versus

State of Punjab

... Respondent

(222-2)

CRM-M-22464-2022
Date of decision:- 09.11.2022

Bishamber Singh

... Petitioner

Versus

State of Punjab

... Respondent

(222-3)

CRM-M-21914-2022
Date of decision:- 09.11.2022

Manpreet Singh @ Mannu

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Impinder Singh Dhaliwal, Advocate
for the petitioner (in CRM-M-24262-2022)

Mr. Gurpal Singh Sandhu, Advocate
for the petitioner (in CRM-M-22464-2022).

Mr. Sukhwinder S. Dhillon, Advocate
for the petitioner (in CRM-M-21914-2022)

Mr. Jasmanpreet Singh, DAG, Punjab
for State-respondent in all cases.

SUVIR SEHGAL, J. (ORAL)

This order shall dispose of ***CRM-M-24262-2022*** titled as ***“Amritpal Singh @ Gaggu Versus State of Punjab”***, ***CRM-M-22464-2022*** titled as ***“Bishamber Singh Versus State of Punjab*** and ***CRM-M-21914-2022*** titled as ***“Manpreet Singh @ Mannu Versus State of Punjab”*** as all the petitioners are accused in FIR No.78 dated 17.04.2022, registered for offences under Sections 354, 354-B, 341 and 34 of the Indian Penal Code, 1860 (for short “IPC”), at Police Station Lambi, District Sri Muktsar Sahib, Punjab and have approached this Court by way of separate petitions under Section 439 of the Code of Criminal Procedure, 1973 (for short “the Code”) for grant of post arrest bail.

For the sake of brevity, facts are being taken from CRM-M-24262-2022.

Case of the prosecution is that FIR, Annexure P-1, has been registered on a complaint made by a twenty nine year old married lady (hereinafter referred to as “the victim”) on the allegation that she is working as a nurse in a private hospital and when she was returning back home in the evening, Amritpal Singh @ Gaggu, Manpreet Singh @ Mannu and Bishamber Singh, who were on a motorcycle, passed objectionable remarks. When she confronted them, Amritpal Singh @ Gaggu slapped her, her gold chain was pulled and Manpreet Singh @ Mannu tried to snatch her purse. Bishamber Singh instigated co-accused and in the melee, her shirt got torn. On her raising an alarm, passersby intervened and the accused tried to flee, but their motorcycle slipped and Amritpal Singh @ Gaggu suffered head injury.

Counsel for the petitioner(s) submits that FIR is an outcome of a misunderstanding, which has been cleared and dispute has been amicably settled on the intervention of respectables. Counsel submits that the accused-petitioners and complainant are co-villagers and they have decided to give a quietus to the dispute. It is his argument that offences under Sections 354 and 354-B, IPC are not made out as the complainant's shirt got torn in the scuffle and there was neither any intention to outrage her modesty nor to disrobe her. Counsel submits that a joint petition for quashing (CRM-M-39923-2022) has been instituted on behalf of the three accused-petitioners, wherein this Court by an order passed on even date had directed the parties to record their statements.

Per contra, learned State counsel, upon instructions from ASI, Gurmeet Singh, has opposed the petition and has submitted that there are specific allegations against the petitioners of having waylaid a lady as well as of outraging her modesty. He submits that in the scuffle, the complainant has suffered some injuries. Upon instructions, he submits that the Investigating Agency has been informed about the compromise and upon conclusion of investigation, challan has been presented.

Counsel for the complainant, however, submits that he does not have any objection in case the petitioners are released on bail as the matter has been amicably settled.

Having considered the respective submissions of counsel for the parties, this Court is prima facie of the view that the complicity of the petitioners, if any, in the alleged crime would remain a subject matter of debate before the Trial Court. Considering the fact that the matter has been

amicably resolved, stage of the proceedings as well as custody period of more than six months, this Court has formed an opinion that the petitioners are entitled to be released on bail during the pendency of the trial.

Without adverting to the merits or demerits of the arguments addressed by counsel for the parties, all the three petitions are allowed. Petitioners are ordered to be released on bail, on furnishing adequate bail/surety bonds to the satisfaction of the Area Magistrate/Duty Magistrate concerned.

It is clarified that nothing said hereinabove shall be construed to be an expression of opinion on the merits of the case.

(SUVIR SEHGAL)
JUDGE

09.11.2022

Kamal

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No