

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

(Sr. No. 206)

CRM-M No. 26979 of 2022

Date of decision : 05.08.2022

Ram Singh

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

Present : Mr. Ruhani Chadha, Advocate for the petitioner.

Mr. Saurav Khurana, DAG, Punjab.

Mr. M. S. Sachdev, Advocate for respondent No.2.

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DEEPAK SIBAL, J. (Oral)

The present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail in FIR No. 146 dated 29.05.2022 registered under Sections 354-B, 323, 506 and 34 IPC at Police Station Rama Mandi, district Jalandhar.

On 20.06.2022, this Court had passed the following order : -

“CRM-21998-2022

The present application has been filed under Rule 3-A (i) of Chapter VI, Part B Volume- V of Punjab and Haryana High Court Rules and Orders for seeking grant of leave to file the present petition. Application is allowed as prayed for.

CRM-M-26979-2022

The instant petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 praying for grant of anticipatory bail to the petitioner in case FIR No. 146 dated 29.05.2022 (Annexure P-1) registered

under Sections 354-B, 323, 506 and 34 of the IPC at Police Station Rama Mandi, District Jalandhar.

Learned counsel for the petitioner inter alia contends that the petitioner is 56 years of age and as a matter of fact, the dispute in question has arisen in relation to the parking of vehicle in the garage. He further contends that the complainant who is the landlord wants to forcibly dispossess the petitioner and his sons out of the property given on rent and in regard where to suit for permanent injunction has already been instituted wherein notice of motion has been issued. It is also pointed out that the petitioner had also filed a suit for permanent injunction against the father-in-law of the complainant as well as the complainant and her son and that in the said civil suit a stay was granted by the Civil Judge (Junior Division), Jalandhar vide order dated 23.05.2022. He also contends that registration of the instant FIR is a counter blast so as to pressurize the petitioner and his family. It is further contended that incident in question was duly captured in a CCTV recording and the same further corroborates that the event in question had not taken place in the manner as alleged and that the petitioner was simply present there and did not utter any single word in abusive language. It is also argued that the petitioner does not suffer from any criminal antecedents and that no recovery of any nature whatsoever is to be effected from the petitioner and thus, custodial detention of the petitioner is not required.

Notice of motion.

Ms. Amarjit Kaur Khurana, DAG, Punjab appears and accepts notice on behalf of the respondent/State. Mr. Nakul Sharma, Advocate appears and accepts notice on behalf of the complainant.

In the meantime, the petitioner is directed to join investigation as and when so required by the Investigating Agency. In the event of petitioner joining investigation, he shall be admitted to interim bail by the

arresting officer/investigating officer on furnishing of bail bonds by him to the satisfaction of the arresting officer/investigating officer. The petitioner shall also abide by the conditions as specified under Section 438 (2) Cr.P.C.

List on 05.08.2022, for further consideration.”

Learned State counsel submits that under the afore-quoted order passed by this Court, the petitioner has joined and cooperated with the investigation and that his custodial interrogation is not required by the State.

After considering the submissions made on behalf of the petitioner in the afore-quoted order and the statement made on behalf of the State as also for the reasons that similarly placed co-accused Amar Kumar who had earlier approached this Court through CRM-M No.27902 of 2022 – Amar Kumar Vs. State of Punjab and another, through order of this Court dated 05.07.2022, has been granted anticipatory bail, the interim order of this Court dated 20.06.2022, granting ad interim anticipatory bail to the petitioner is ordered to be made absolute.

05.08.2022

sunil yadav

**(DEEPAK SIBAL)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No